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CONTENTS OF VOLUME 15

ORIGINAL PAPERS	page
BALDWIN, JOHN: British Areal Studies of Crime: an Assessment	211
BANKS, C., MALONEY, E. and WILLCOCK, H. D.: Public Attitudes to Crime and the Penal System	228
BATTA, I. D., McCULLOCH, J. W. and SMITH, N. J.: A Study of Juvenile Delinquency Amongst Asians and Half-Asians	32
BEYLEVELD, DERYOK and WILES, PAUL: Man and Method in David Matza's <i>Becoming Deviant</i>	111
BRUCE, NIGEL: Children's Hearings: a Retrospect	333
DAUNTON-FEAR, MARY W.: Social Inquiry Reports: Comprehensive and Reliable?	128
GATH, DENNIS and TENNENT, GAVIN: Bright Delinquents: a Three-Year Follow-up Study	386
GIBBONS, DON C.: Offender Typologies—Two Decades Later	140
HOMEL, R. and VINSON, T.: Crime and Disadvantage	21
KNIGHT, B. J. and WEST, D. J.: Temporary and Continuing Delinquency	43
LANDAU, SIMHA F.: Pathologies among Homicide Offenders: Some Cultural Profiles	157
LEHMAN, PETER M. and LESIEUR HENRY R.: Remeasuring Delinquency: a Replication and Critique	69
LESIEUR, HENRY R. and LEHMAN, PETER M.: Remeasuring Delinquency: a Replication and Critique	69
LINK, N., QUINSEY, V. L., WARNEFORD, A. and PRUESSE, M.: Released Oak Ridge Patients: a Follow-up Study of Review Board Discharges	264
MALONEY, E., BANKS, C. and WILLCOCK, H. D.: Public Attitudes to Crime and the Penal System	228
MANNING, PETER K.: Deviance and Dogma	1
McCULLOCH, J. W., BATTA, I. D. and SMITH, N. J.: A Study of Juvenile Delinquency Amongst Asians and Half-Asians	32
MELOTTE, CHRISTOPHER: A Rehabilitation Hostel for Drug Users: One Year's Admissions	376
O'MALLEY, PAT: Suicide and War: a Case Study and Theoretical Appraisal	348
PLANT, MARTIN A.: Drug-Takers in an English Town	181
PRUESSE, M., QUINSEY, V. L., WARNEFORD, A. and LINK, N.: Released Oak Ridge Patients: a Follow-up Study of Review Board Discharges	264
QUINSEY, V. L., PRUESSE, M., WARNEFORD, A. and LINK, N.: Released Oak Ridge Patients: a Follow-up Study of Review Board Discharges	264
ROTENBERG, MORDECHAI: Self-Labeling Theory: Preliminary Findings Among Mental Patients	360
SCOTT, P. D.: Children's Hearings: A Commentary	344
SMITH, N. J., BATTA, I. D. and McCULLOCH, J. W.: A Study of Juvenile Delinquency Amongst Asians and Half-Asians	32

CONTENTS OF VOLUME 15

TENNENT, GAVIN and GATH, DENNIS: Bright Delinquents: a Three-Year Follow-up Study	386
VELARDE, ALBERT J.: Becoming Prostituted	251
VINSON, T. and HOMEL, R.: Crime and Disadvantage	21
VIRKKUNEN, MATTI: Victim-Precipitated Pedophilia Offences	175
WADSWORTH, M. E. J.: Delinquency in a National Sample of Children	167
WARNEFORD, A., QUINSEY, V. L., PRUESSE, M. and LINK, N.: Released Oak-Ridge Patients: a Follow-up Study of Review Board Discharges	264
WERNER, ERIC: Psychological and Ethnic Correlates of Interpersonal Maturity Among Delinquents	51
WEST, D. J. and KNIGHT, B. J.: Temporary and Continuing Delinquency	43
WILES, PAUL and BEYLEVELD, DERYCK: Man and Method in David Matza's <i>Becoming Deviant</i>	111
WILLCOCK, H. D., BANKS, C. and MALONEY, E.: Public Attitudes to Crime and the Penal System	228
WILSON, HARRIETT: Juvenile Delinquency, Parental Criminality and Social Handicap	241

OBITUARY	109
-----------------	-----

NOTES	81, 187, 271, 391
--------------	-------------------

BOOKS AND PERIODICALS

Review Symposium	91
Reviews	97, 197, 291, 395
References	104, 207, 310, 419

CORRESPONDENCE	314
-----------------------	-----

NOTES

Bail Procedures in Magistrates' Courts:

BOTTOMLEY, KEITH: I To Bail or not to Bail ?	81
DELL, SUSANNE: II Some Critical Comments	84
CHEETHAM, JULIET: Social Work in the Environment	271
DAVIES, MARTIN: The Finer Report	288
HALL WILLIAMS, J. E.: The Reform of Sentencing—Recent Reports	187
HAWKINS, KEITH: An "Efficient, Just and Credible Parole System": The Hugessen Report	284
HOOD, ROGER: Social Work in Prison	277
McCONVILLE, SEAN: Boards of Visitors of Penal Institutions	391
McINTOSH, MARY: Vagrancy and Street Offences	280
SCOTT, P. D.: The Tragedy of Maria Colwell	88
Second International Symposium on Victimology	290

REVIEW SYMPOSIUM

MATHIESEN, T.: The Politics of Abolition	91
--	----

CONTENTS OF VOLUME 15

REVIEWS

AKERS, RONALD and SAGARIN, EDWARD (Eds.): Crime Prevention and Social Control	409
BLOK, ANTON: The Mafia of a Sicilian Village, 1860-1960: a Study of Violent Peasant Entrepreneurs	98
BOYLE, KEVIN, HADDEN, TOM and HILLYARD, PADDY: Law and State: The Case of Northern Ireland	395
CHRISTIE, NILS (Ed.): Scandinavian Studies in Criminology, Volume 5	297
CROSS, SIR RUPERT: The English Sentencing System	402
DAVIES, CHRISTIE: Permissive Britain: Social Change in the Sixties and Seventies	291
DEASY, C. M.: Design for Human Affairs	309
GAGNON, JOHN H. and SIMON, WILLIAM: Sexual Conduct: The Social Sources of Human Sexuality	100
HALL WILLIAMS, J. E.: Changing Prisons	407
HALPERN, STEPHEN: Police-Association and Department Leaders: The Politics of Co-optation	299
HOMER, FREDERIC D.: Guns and Garlic: Myths and Realities of Organized Crime	205
HUFTON, OLWEN H.: The Poor of Eighteenth Century France 1750-1789	308
JUSTICE REPORT: No Fault on the Road	204
LEWIS, DAVID and HUGHMAN, PETER: Just How Just?	414
MACK, JOHN A.: The Crime Industry	296
MACNAMARA, DONAL and RIEDEL, MARG: Police: Perspectives, Problems, Prospects	405
PERRY, F. G.: Information for the Court: a New Look at Social Inquiry Reports	199
PIZZEY, ERVIN: Scream Quietly or the Neighbours will Hear	203
PLANT, MARTIN A.: Drugtakers in an English Town	301
PLUMMER, KENNETH: Sexual Stigma: an Inter-Actionist Account	413
PODGORECKI, A.: Law and Society	411
RITCHIE, M. and MACK, J. A.: Police Warnings	416
SEITZINGER, J. and KELLEY, T. M.: Police Terminology: Programmed Manual for Justice Personnel	103
SKULTANS, V. (Ed.): Madness and Morals: Ideas on Insanity in the Nineteenth Century	306
SMITH, JOAN and FRIED, WILLIAM: The Uses of the American Prison: Political Theory and Penal Practice	197
SZASZ, T.: Ceremonial Chemistry. The Ritual Persecution of Drugs, Addicts and Pushers	303
TAYLOR, IAN, WALTON, PAUL and YOUNG, JOCK (Eds.): Critical Criminology	294
THORNEBERRY, TERENCE P. and SAGARIN, EDWARD (Eds.): Images of Crime: Offenders and Victims	409
TOBIAS, J. J.: Prince of Fences: The Life and Crimes of Ikey Solomons	415
VODOPIVEC, KATJA: Maladjusted Youth	201
WALLER, I.: Men Released from Prison	97

CONTENTS OF VOLUME 15

WARREN, CAROL A. B.: Identity and Community in the Gay World	100
WEINBERG, MARTIN S. and WILLIAMS, COLIN J.: Male Homosexuals: Their Problems and Adaptations	100
WICE, PAUL B.: Freedom for Sale: a National Study of Pre-Trial Release	417
WINTERSMITH, ROBERT F.: Police and the Black Community	299
WOOD, A. L.: Deviant Behaviour and Control Strategies	304

SUBJECT INDEX

Articles—*a*.
Reviews—*r*.

Notes—*n*.

Abortion: *a*. 9, *r*. 291 f.
Absconding:
 and bail: *n*. 85 f., *r*. 399
Adolescents: *a*. 215 f.
Adoption: *n*. 89
Areal studies: *a*. 211 ff.
See also: Criminology, ecological studies
Aggression: *a*. 318 ff.
Alcoholism: *a*. 9, *a*. 267, *a*. 355, *a*. 362
 and crime: *a*. 148 f., *a*. 171, *a*. 200, *a*. 246,
 a. 318 f., *a*. 325
 and drug-takers: *a*. 183 f.
Approved schools: *a*. 172, *a*. 389
Arson: *a*. 318
Ashwell Prison: *n*. 277 ff.
Assaults: *a*. 71 ff.

Bail procedures:
 in England:
 and magistrates' courts: *n*. 81 ff.
 and psychiatric reports: *a*. 320, *a*. 326 ff.
 and points system: *n*. 87
 in U.S.A.: *r*. 417 f.
Battered children: *n*. 88 ff.
Battered wives: *r*. 203 f.
Borstals: *a*. 172, *a*. 389
Breaking offences: *a*. 171, *a*. 246
 burglaries: *a*. 36 f., *a*. 40 f., *a*. 73 f., *a*. 409
Building design and social science: *r*. 309

Cambridge Institute of Criminology: *r*. 190,
 r. 194 f.
Capital punishment: *r*. 193, *r*. 291, *r*. 412
Case work: *a*. 132 f., *a*. 199 ff., *a*. 221 f.
 in prisons: *n*. 279 f.
Child care: *a*. 33, *n*. 88 ff., *n*. 289, *a*. 318
 in Scotland: *a*. 333 ff.
Child guidance: *a*. 140, *a*. 336
 and racially mixed children: *a*. 40
Child neglect: *a*. 318
Children and Young Persons Act, 1963: *a*. 247
Children and Young Persons Act, 1969: *a*. 128,
 r. 191, *n*. 289
Community service: *r*. 191, *r*. 195 f.
Council of Europe: *r*. 196
 report on sentencing: *n*. 187 f.
Courts:
 attitudes to: *a*. 230 ff., *a*. 239
 in England:
 criminal procedure: *r*. 414 f.
 Crown courts: *n*. 288 f.
 family courts: *a*. 288 f.
 magistrates' courts: *n*. 81 ff., *n*. 84 ff.,
 a. 136 f.
 and medical reports: 86 f.
 and psychiatric services: *a*. 315 ff., *a*. 323 f.
 and social enquiry: *a*. 128 ff., *a*. 136 ff.,
 n. 188, *r*. 199 ff.
 in Northern Ireland: *r*. 395
 in Scotland: *a*. 342 ff.
 and trial by jury: *r*. 400 f., *r*. 415

Courts Act, 1971: *n*. 391
Courts Act, 1973: *r*. 402
Crime: *a*. 12 f., *a*. 16, *a*. 141
 in Australia: *a*. 21 ff.
 and social agencies: *a*. 25 ff.
 causes of: *a*. 228 f., *a*. 238 f.
 and heredity: *r*. 196
 and housing: *a*. 129 f., *a*. 212, *a*. 219 f.,
 a. 241 ff., *n*. 274
 and unemployment: *a*. 25 f., *a*. 219 f.,
 a. 239 f., *a*. 252, *n*. 273
 and "crime industry": *r*. 296 f.
 in England: *a*. 3 f., *a*. 211 ff., *r*. 294 f., *r*. 414 f.
 in nineteenth century: *a*. 147, *r*. 415 f.
 in urban centres: *a*. 214 ff., *a*. 220 ff.
 and ethnic factor: *a*. 32 ff., *a*. 158 f., *a*. 223 f.,
 r. 412
 in France: *r*. 308 f.
 in Germany: *r*. 192 f.
 in Israel: *a*. 157 ff.
 measurement of: *a*. 69 ff.
 prevention of: *r*. 409 ff.
 public attitudes to: *a*. 228 ff.
 reporting of: *a*. 240, *r*. 298
 in Scotland: *a*. 214, *a*. 224 f.
 seriousness of: *a*. 69 f., *a*. 79 f., *a*. 230, *a*. 248 f.
 in Sicily: *r*. 98 ff.
 types of: *a*. 144, *a*. 147
 in U.S.A.: *a*. 1 ff., *r*. 192 f., *r*. 205 f., *a*. 212,
 a. 217, *a*. 225, *a*. 239 f., *r*. 294 f., *r*. 417 f.
Criminal behaviour: *a*. 222
 and determination: *r*. 120 ff.
 and subject-object controversy: *a*. 111 ff.
Criminal Justice Act, 1948: *a*. 135 f., *a*. 321 f.,
 a. 323, *a*. 329
Criminal Justice Act, 1967: *n*. 82
Criminal Justice Act, 1972: *r*. 402
Criminal statistics: *a*. 212, *r*. 295, *r*. 412
 in England:
 and group offenders: *a*. 45 f.
 and immigrants: *a*. 33 ff.
 young offenders: *a*. 168 ff.
 homicide death rates: *a*. 159
 in New South Wales: *a*. 22
 and suicide: *a*. 350, *a*. 355 f.
Criminology and criminal law: *a*. 140 ff., *r*.
 409 ff.
 and anomic concept: *a*. 219 f.
 in Australia: *a*. 21 ff.
 in Canada: *a*. 69, *r*. 97 f., *n*. 187, *n*. 284 ff.
 in Denmark: *r*. 298
 in England: *a*. 69, *r*. 190 ff., *a*. 211 ff., *r*.
 402 ff.
 and law reform: *n*. 81 ff., *n*. 84 ff., *a*. 280 ff.
 and heredity studies: *r*. 196
 interpersonal maturity theory: *a*. 51 f., *a*. 142
 marginality theory: *a*. 32 f.
 and "naturalism": *a*. 111 ff.
 in Netherlands: *a*. 69
 in Norway: *r*. 298

SUBJECT INDEX

- Criminology and Criminal Law—*continued*
in Poland: r. 411 f.
Sociological approach: r. 294 ff., a. 348 ff.
Chicago School: see ecological studies
and delinquent subculture: a. 214
differential association: a. 125
ecological studies: a. 2, a. 6, a. 21 ff., a. 211 ff.
and interaction: a. 2, a. 4 f., a. 8, a. 153, r. 413 f.
labelling theory: a. 1 ff., a. 4 ff., a. 13, a. 152, r. 153, a. 251, a. 257 f., a. 261 ff., r. 295, r. 410
and marxism: a. 3 f., a. 14, r. 192, r. 294 ff.
positivism: a. 122
self-labelling theory: a. 360 ff.
and social controls: r. 304 f., r. 409 f.
and social defence: r. 196
and stigmatisation: a. 9 f., a. 260 f., r. 413
in South Africa: r. 193
in U.S.A.: a. 1 ff., a. 69 ff., a. 121 ff., a. 211 ff., r. 304 f., r. 405 ff.
Cruelty to children: a. 318, a. 325
- Detention centres: a. 172
Delinquency: *See*: Crime, Criminology, Juvenile Delinquency, etc.
Deviancy: a. 111 ff., r. 413 f.
causal theory of: a. 219 f.
and deviant group: a. 8 f.
labelling perspective: a. 1 ff., a. 360 ff.
and organisations: a. 10 ff.
Drug addiction: a. 9, a. 149, r. 298
in Britain: a. 181 ff., r. 291, r. 293, r. 301 f.
and psychiatric reports: a. 318 ff., a. 322
and therapeutic community: a. 376 ff.
Drunkenness. *See*: Alcoholism
- Employment:
and drug addicts: a. 380
and ex-prisoners: n. 273
European Convention on Human Rights: r. 396
Extraversion: a. 56 f.
See also: Introversion-extraversion factors
- Family relations:
and delinquency: a. 24 f., a. 129, r. 203 f., a. 222 f., a. 234, a. 238 f., a. 267, n. 272, a. 319, a. 328, a. 334, a. 338 ff., a. 376
and foster parents: n. 88 ff., a. 336
and one-parent families: n. 288 ff.
and parental separation: a. 380
Female offenders. *See*: Women (girl) offenders
Finer Report: n. 288 ff.
First offenders: a. 229, a. 244 f., r. 416
and immigrants: a. 34
Follow-up studies: n. 279
and mental abnormality: a. 264 ff.
and young offenders: a. 43, a. 386 ff.
- Gambling: r. 410
Gang (group) offenders: a. 45 f., a. 149
Gartree Prison: n. 277 ff.
Group counselling: r. 202 f.
Group psychotherapy: a. 378
- Habitual offenders: a. 233 f.
Heroin: r. 293, a. 376 ff., a. 382 f.
See also: Drug addiction
Home Office Research Unit: r. 190, r. 195, n. 271
- Homicides: a. 77
in Israel: a. 157 ff.
See also: Capital punishment, murder
Homosexuality: r. 100 ff., a. 149, n. 283, r. 411, r. 413 f.
and military discipline: r. 292 f.
Howard League: r. 91, r. 93, n. 391
- Illegitimacy: a. 184
Indecent exposure: n. 282 f.
Index of delinquency: a. 248 f.
criticism of: a. 69 ff.
Institutional treatment of young delinquents:
in England: a. 47, a. 173
in Slovenia: r. 201 ff.
and staffs: r. 202 ff.
in U.S.A.: a. 150
Intelligence:
and delinquency: a. 46, a. 52 f., a. 64, a. 249, a. 386 ff.
and pedophilia victims: a. 176 ff.
Inter-American Congress of Criminology, 1972: r. 409 f.
Interpol: r. 297
Introversion-extraversion factors in delinquency: a. 56 f.
and recidivism: n. 278 f.
- Jellicoe Committee: n. 391 ff.
Juvenile Courts:
in England: a. 128, a. 150, a. 242, a. 339
and psychiatric services: a. 315 ff.
in Scotland: r. 416
Juvenile delinquency: a. 140 f., r. 191
and age: a. 170 f., a. 242 ff.
in Australia: a. 24
and criminals in family: a. 24 ff., a. 44 ff.
in England: a. 128 ff., a. 167 ff., a. 215 ff., a. 222
and Asian immigrants: a. 32 ff., a. 223 f.
prevalence of: a. 216
and social groups: a. 169 f.
and ethnic groups: a. 32 ff., a. 53, a. 64 ff.
and health: a. 24 f., a. 319
in Scotland: r. 191, a. 214
and children's hearings: a. 333 ff., a. 344 ff.
sex ratio: a. 244 f.
in Slovenia: r. 201 f.
and temporary delinquency: a. 43 ff.
in U.S.A.: a. 51 ff., a. 142 f.
in Wales: a. 215, a. 247 f.
- Kilbrandon Committee: a. 333, a. 342, a. 344, a. 344, r. 416
- Larceny. *See*: Property offences, Stealing, etc.
Law and society: r. 411 ff.
Leisure activities: a. 129, r. 273
- Mafia:
and Sicilian society: r. 98 f., r. 297
Malicious damage: a. 36
Maria Colwell case: n. 88 ff.
Marijuana: a. 9 f., a. 150, a. 183, r. 291, a. 382
See also: Drug addiction
Mental abnormality (and illness): r. 303 f.
and crime: a. 8
in England: n. 86
in Israel: a. 158 ff., a. 367 f.
in New South Wales: a. 23, a. 25 f.

SUBJECT INDEX

- Mental abnormality—*continued*
 and crime:—*continued*
 treatment of: a. 264 ff.
 and young offenders: a. 178 f., a. 386 f.
 and indicative labelling: a. 371, r. 303 f.
 nineteenth century views: r. 306 f.
 schizophrenia: a. 362 f., a. 367 f.
 Mental deficiency: a. 175 ff., r. 193
 Mental Health Act, 1959: a. 321, a. 323, a. 329
 Mental Health Inquiry: a. 386
 Methodology (in criminology): a. 22, r. 192
 and ecological studies: a. 212 f., a. 217 f.
 and interviews: a. 251, n. 277, a. 368
 meaning of correlation: a. 220 f., a. 350 ff.
 and questionnaire: a. 75, r. 100, a. 316 ff.
 selection of samples: a. 25, a. 167, a. 334, r. 406
 and controlled research: a. 43, a. 53 f., a. 176, a. 241 f., n. 277, a. 386 ff.
 and "snowballing" data collection: a. 182, r. 301
 Military crimes: r. 410
 Morison Committee, 1962: a. 129 f., a. 136
 Motoring offences: a. 171
 Murder: a. 36, a. 157 ff., a. 229

 N.S.P.C.C.: n. 88 ff.
 National Association for the Care and Re-settlement of Offenders: r. 93, n. 391
 Negro offenders: a. 146
 Neuroticism: a. 53 f.
 New Jersey State Prison: a. 146
 Northern Ireland: r. 206
 law enforcement system: r. 395 ff.
 Northern Ireland (Emergency Provisions) Act 1973: r. 396

 Oak Ridge, mental health centre in Ontario: a. 264 ff.
 Ombudsman: r. 188
 Organised crime: r. 98 f., r. 205 f.

 Parole: n. 187 f., r. 199
 in Canada: r. 97 ff.
 and Hugessen Report: n. 284 ff.
 in U.S.A.: n. 287
 Pedophilia: a. 175 ff.
 Penology (including prisons):
 and abolitionism: r. 91 ff., r. 94 ff., r. 409
 in Canada: r. 97 ff., n. 284 ff.
 in England: n. 84 ff., r. 91 ff., r. 191, r. 195 f., r. 402 f., r. 407 f.
 and Boards of Visitors: n. 391 ff., r. 408
 and group work: r. 409
 in nineteenth century: r. 415 f.
 and prisoners' organisations: r. 93
 public knowledge of: a. 235 f., a. 238 f.
 social work in prisons: n. 277 ff.
 and untried prisoners: n. 82
 and young offenders: a. 172 f., a. 215 f.
 in Norway: r. 91 ff.
 and political nature of punishment: r. 197 ff.
 in Scandinavia: r. 298
 and types of prisoners: a. 145 f.
 in U.S.A.: a. 69, r. 94, a. 145 f., r. 197 ff., r. 418
 Personality:
 and delinquency: a. 32 f.
 and interpersonal maturity: a. 51 ff., a. 142 f., a. 144 f.

 Personality—*continued*
 and sociopathic delinquents: a. 269
 tests of: a. 151
 disorders of: a. 267 f., a. 376
 Police: a. 11
 attitudes of: r. 406
 corruption of: r. 411
 in England: a. 14 f., n. 82, a. 130, a. 223, r. 406
 and cautioning: a. 242 f., a. 345, r. 416 f.
 in Northern Ireland: r. 395, r. 398
 in Norway: r. 298
 in Scotland: r. 416 f.
 and secrecy in law enforcement: r. 193 f.
 in U.S.A.: r. 103 f., r. 299 f., r. 405 ff.
 and negroes: r. 300
 Political offences: r. 397 f.
 Poverty and criminality: r. 308 f.
 Prediction and mental abnormality: a. 266 f.
 Prevention of crime: r. 409 ff.
 Probation: r. 199
 in England: a. 172 f., r. 271 ff.
 and courts: a. 128 ff.
 and psychiatric services: a. 316 ff.
 and social inquiry reports: r. 199 ff.
 in U.S.A.: a. 128 f., a. 134 f., a. 150 f.
 Professional offenders: a. 149, r. 296 f.
 Property offences: a. 36 ff., a. 149, a. 177, a. 229, a. 236 f., r. 295, a. 318, a. 388, r. 410, r. 415 f.
 Prostitution: n. 282 f.
 and massage parlours in U.S.A.: a. 251 ff.
 Psychiatry: a. 8, a. 23
 and crime: n. 86, a. 264 ff., a. 267, a. 315 ff.
 history of: r. 306 f.
 Psychology:
 and California Psychological Inventory: a. 54 ff.
 and Jesness Psychological Inventory: a. 54 f., p. 63, a. 271
 Psychopathy: a. 267 f.

 Race and delinquency: a. 32 ff., a. 53, a. 223 f.
 in U.S.A.: r. 300
 Radzinowicz, Sir Leon: *Essays in honour*: r. 190 ff.
 Rape: a. 71, a. 77, a. 149, a. 175, a. 178, r. 404, r. 440
 Receiving stolen goods: r. 415 f.
 Recidivism: r. 196, a. 233 f., a. 269
 in Canada: r. 97
 and mentally abnormal offenders: a. 264 ff.
 in England: n. 277 ff.
 and immigrants: a. 39
 young offenders: a. 43 ff., a. 46 f., a. 171 f., a. 177, n. 272, a. 387 f.
 Remand homes: a. 130, a. 386 ff.
 Residential treatment of young offenders:
 in Scotland: a. 336, a. 339
 Robberies: a. 71, a. 147

 Schools:
 and delinquency: a. 129, a. 345 f., a. 380 f.
 and attendance: a. 241 ff.
 in London borough: a. 224
 in New South Wales: a. 23, a. 26
 Seatown House (community for ex-drug users): a. 376 ff.
 Seebohm Report: n. 289

SUBJECT INDEX

Sentencing:

- in Australia: n. 187 f.
- in Canada: a. 133 f., a. 137, n. 187 f.
- and deterrence: n. 187 f., r. 410 f.
- in England: r. 402 ff.
- and psychiatric services: a. 315 ff.
- and social inquiry reports: n. 84 f., r. 402, a. 128 ff., n. 188, r. 199 ff.
- young offenders: a. 172 f., a. 388 f.
- indeterminate sentences: r. 191, r. 195
- and judge's discretion: r. 194
- public attitude to: a. 232 f.
- and retribution: r. 402 f., r. 404
- suspended sentence: r. 191, r. 195
- tariff system: r. 403 f.
- in U.S.A.: a. 128 f., a. 134 f.
- Sexual offences: a. 36, a. 71, a. 77, a. 144, a. 149, a. 171, a. 175, a. 178, r. 193, a. 229, n. 282 ff., a. 318, a. 330, a. 388, r. 404, r. 410
- and victim-precipitated offences: a. 175 ff.
- Sexual Offences Act, 1967: r. 292
- Sexuality: a. 48, r. 100 ff., a. 254 ff.
- and children: r. 101
- and pornography: r. 291 f.
- and sexual deviants: a. 258 f., r. 411, r. 413 f.
- Shoplifting: a. 37 f., a. 40 f., a. 149, a. 325, a. 330
- Social changes in Britain: r. 291 ff.
- Social class: a. 14, a. 23
- and delinquency: a. 4 f., a. 46, a. 53, a. 56, a. 140, r. 295 f., r. 298, a. 367
- in England: a. 169, a. 174
- and drug-takers: a. 183 f., r. 300 ff., a. 380 f.
- and homosexuality: r. 413 f.
- Social enquiry reports. *See*: Courts, sentencing, etc.
- Social psychology: a. 362 ff.
- Social Service Departments: n. 88 ff., a. 345, a. 377
- and one-parent families: r. 289 f.
- Social work: a. 25 ff., n. 271 ff., a. 337 f.
- in Scotland: a. 333, a. 345
- Social Work (Scotland) Act, 1968: a. 333, a. 339
- Sociology:
 - and deviance: a. 1 ff., r. 304 f.
 - and law: n. 289
- Stealing: a. 36 f., a. 71 f., a. 171, a. 246, a. 362, r. 415 f.
- Streetfield Committee: a. 128 f., a. 136, a. 316
- Street Offences Act, 1959: n. 282
- Suicide: a. 9
- and drug-takers: a. 183
- and Durkheim's social integration hypothesis: a. 348 ff.

Suicide—*continued*

- in Israel: a. 158 f.
- in London: a. 221 f.
- in wartime Australia: a. 348 ff.
- Taking and driving away: a. 36, a. 149, a. 246, a. 325
- Tattooing: r. 410
- Traffic offences: a. 35 f.
- and compensation: r. 204 f.
- Treatment of abnormal offenders:
 - in Britain: n. 86, a. 268 f.
 - in Canada: a. 264 ff.
 - in U.S.A.: a. 268 f.
- See also*: Mental abnormality, Psychiatry, etc.
- Treatment of offenders: r. 91 ff., a. 141, a. 229, a. 237 f.
- in Canada: r. 97
- in England: n. 84 ff., a. 172 f.
- in U.S.A.: r. 197 ff.
- See also*: Penology, Sentencing, etc.
- Treatment of young offenders:
 - in England: a. 47 f., a. 242 f., a. 388 f.
 - in Scotland: a. 333 ff.
- See also*: Juvenile delinquency, Sentencing, etc.
- Truancy: a. 22 f., a. 25, a. 224, a. 246 f.
- Typologies of offenders:
 - assessment of: a. 140 ff.
 - and rôle-career: a. 148, a. 151 f.
- Vagrancy: n. 280 ff.
- Vagrancy Acts, 1824, 1935: n. 280 ff.
- Victimology symposium: n. 290
- Victims of crime: a. 237 f.
- and compensation: r. 410
- and sex offences: a. 115, a. 175 ff.
- Violent behaviour: r. 203 f., a. 267.
- Violent offences: a. 71 ff., a. 164 f.
- and mentally abnormal offenders: a. 265 ff.
- a. 322
- in Northern Ireland: r. 399 f.
- White-collar offenders: a. 149
- Widgery Report on Legal Aid: n. 84, r. 195
- Women (girl) offenders: a. 52 f., n. 86, a. 149, a. 216, a. 244 f., a. 334
- and unemployment: a. 252
- Wootton Committee: r. 195
- Young adult offenders: n. 86, r. 203
- Young offenders. *See*: Juvenile offenders, treatment of young offenders, etc.
- Younger Report: a. 276 f.

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DEVIANCE AND DOGMA

*Some Comments on the Labelling Perspective*¹

PETER K. MANNING (*Michigan*)*

LEMERT's *Social Pathology* (1951) contained *in utero* a theme which became a touchstone for exponents of the labelling perspective. Deviance was defined not as a property of behaviour, of personality, nor simply a matter of violation of a legal rule or norm, but as an initially unpatterned, unsystematic and erstwhile phenomenon which in some cases was altered and stabilised as a result of an informal or formal sanctioning. The labelling view of deviance is not exceptional in the sense that most sociologists argue that sociological processes such as crime, deviance and miscellaneous delicts should be traced to their sociological roots; its insight was derived as a result of transforming the locus of significance from the *phenomenon* (behaviour, personality, appearance, rule-breaking, *qua* rule-breaking) to the *reactive pattern* it elicits. It argues that the acts to which reaction is possible (potential deviance) provide a "pool" or untapped reservoir from which control organisations may draw the "raw materials" (criminals, the mentally ill, the sick) for their processing activities. The interesting questions, it is argued, have to do with the conditions under which and the occasions on which effective reaction occurs. For once the reaction occurs, some of those to whom sanctioning is directed manifest unanticipated consequences seen in altered self-conception and modified role relationships. The reactive process, whatever its initial aim, channels,

* Visiting Fellow, NILECJ, Department of Justice, Washington, D.C. and Michigan State University. This article is a revision of a seminar paper presented November 1972 at Goldsmiths' College, where the author was visiting research scholar, 1972-73. Comments by Paul Rock, and copies of his papers, were very helpful.

¹ The term "labelling theory," is used loosely and could more precisely be termed a "perspective," "conception," or "conceptual framework," following the vocabulary of Denzin (1970, pp. 66-68). This critique is not concerned with the analysis of social problems, but is restricted to the concepts typically associated with the labelling perspective as seen in the works of Becker, Kitsuse, Lemert, Kai Erikson, and Goffman, Scheff and Matza. The last three thinkers are both highly original and difficult to assign to "schools," but are frequently cited as "labelling theorists."

moulds, and shapes both the boundaries of the object, deviance, and the content of the deviant self and role. Reactive processes are analytically treated as separable and contingent, rather than as predictable instrumentalities responding to the behaviours of a finite number of clearly stipulated "target" groups. Reactive patterns thus assume a quasi-independent status and figure prominently in life changes of a portion of those selected for control. The aim of the explanatory scheme is not to explain why a given person becomes deviant (an etiological focus), but to explicate the process by which people become the things they are called. Each item, initial deviation (primary deviation), societal reaction, and consequences (if any) of reactive processes as manifested in altered behaviour and role relationships (secondary deviance) has a distinct status. Having outlined this conception, Lemert placed his conceptual framework within a larger socio-political context stressing the import of community patterns of tolerance for varying types of deviation as well as the "limits" or capacities of individual persons (biological and psychological).

Further elaboration of these ideas, called by Lemert (1972, p. 16) "conceptual extrusions . . .," took shape in Becker's (1963) rather crude claim that groups create deviance and that deviance is that which is so labelled, and Erikson's (1966) Durkheimian thesis that casts deviance as a functional necessity in social life and a product of audience reaction. Becker's writing, particularly in *Outsiders*, had the apparent effect of narrowing the scope of concern to the notion of career as a framework within which changes in self could be related to a series of interactional and moral contingencies. Becker in this regard not only was further advancing the still viable tradition embodied in works of the Chicago school: he was underscoring themes found in Lemert. (Becker used examples adopted from studies of relatively powerless, marginal and exotic groups—the jazz musician, the marijuana user, etc. while Lemert's *Social Pathology* featured chapters on stuttering, prostitution, mental illness and political radicals.) These subtle changes in conceptual paraphernalia and substantive foci seem to underlie a tendency towards outlining and documenting a micro-sociology of social worlds, relatively clearly bounded and quasi-self-sustaining, and a tendency to minimise the political and socio-economic structures within which these negotiations are taking place. These emerging concerns with the morphology of the self (so richly depicted in Goffman's gems of micro-sociology), the career, and interactional vicissitudes, were crystallised in Matza's *Becoming Deviant* (1969). In this extended essay, Matza explicated a phenomenological and indeed appreciative stance towards the variety of social worlds in which those seen as deviant could be located. His sources of concept and precept were not only symbolic interactional, but included as well existential and phenomenological thinkers such as Sartre and Merleau-Ponty.

The assumption that the world was fluid, ambiguous, at times absurd, and defined as the actor saw it, was interdigitated with the complementary notion that meaning unfolds through and by interaction. Attention was thus drawn towards those finite and symbolically bounded worlds wherein meanings are not regularly questioned and where they may be regularly and routinely

reaffirmed in face-to-face encounters. Once this territory, the territory of self-constituted micro-worlds with their own apparent rules, structure and dynamics, was claimed as an analytic field, phenomenological analysis had obvious merits. In setting aside one's own rules and presuppositions, and what Husserl called the natural attitude towards the world, the investigator could presumably immerse himself in the worlds of others, thereby making them more meaningful and coherent, regardless of an apparent chaotic surface. With the espousal of a modified phenomenological technique among deviancy analysts came a distrust of those conventional sociological methods which to phenomenologists involve a degree of reification and an unwillingness to study a phenomenon on its own terms, in its own logic and on its own ground. This theoretical and methodological principle, *i.e.* a devotion to explicit description of concrete situations, usages and observable sequences of action, is consistently employed to rationalise research strategies. The participant observational-qualitative-ethnographic strategy is congruent with philosophic and practical commitments designed to minimise or to avoid excessive abstraction, generalisation and analysis. Analysis is thought to be suspect in so far as it requires the observer to some degree to substitute observational categories (scientific concepts) and analytic perspectives for that which is given in the actor's consciousness.

Casting the social world of the actor as the legitimate boundary of inquiry severely limited the potential range of questions which could be approached employing the labelling perspective. Since the social world had little significance except as it was formulated by the actor through his system of typifications and relevances, little attempt was made to portray changes in power which bear on the fate of deviants or deviant groups, other than the quite tenable assumption, given the groups studied, that they were victims of a hostile political order. In spite of the growing body of research drawing on the framework provided by this perspective, it has elicited a set of critical objections to which we now turn.

Critical Objections

The criticism considered in this paper flows from a set of normally unexplicated assumptions or presuppositions concerning the presumed utility of the labelling perspective. The first set of criticisms have been articulated by those who accept the centrality of the concepts of symbolically ordered interactional process, the import of agents and agencies of social control and the focus upon fine adjustments of the self to alterations in transactions. In that sense, "internal" critiques have a fairly sympathetic cast. A second critical position is framed by those who adopt a quasi- or neo-marxist framework. These writers see deviance as an inappropriate label for consequential outcomes of differential economic opportunities, repressive class-based control activities and a strategically oriented ruling élite acting to defend its advantaged class position.²

² Although I can but suggest their existence because of space limitations, a large and growing number of critical (the "Frankfort School") and Marxist sociologists reject many of the fundamental premises of labelling theory. I include a group of British and American scholars such as

It should be recognised initially that, in spite of the noted distinctions, there is a shared ground of some agreement. Critics agree that social order is fictive or apparent unity, more likely to be the product of coercion and/or mystification than some form of consensus; that social control has a consequential role in patterning and shaping criminal and deviant activities and organisations; and that the sociologists' role is to uncover the effects of differential access to power by adopting the ideology of the poor and powerless.

The perspective itself, as we suggested in the brief summary, is not entirely unitary: some themes are potentially contradictory and if each were to be extrapolated to its logical end-point would approach absurdity. It represents, nevertheless, a relatively coherent body of ideas that has taken on a name, can be referred to as such and has generated a body of literature to which people refer. Identifiable concepts and methods are associated with the perspective, and one finds an acknowledged recognition of its value both from within and without the labelling community.

Clearly, the detailed and complex arguments characterising a large and growing critical literature cannot be fully detailed here.³ However, a series of general points and accompanying evidence will outline the thrust of the paper's argument.

Internal Critiques

It can be convincingly argued that all sociological concepts of deviance are *relativistic*, i.e. they take into account the social systems in which phenomena occur, the relevant cultural norms and values, and the meanings implicit in the concepts employed. The distinctiveness of the labelling view lies in its radical extension of nominalistic analysis of deviance codified in Thomas Znaniecki's (1916) concept of the definition of the situation. In effect, their statement was an attempt to separate analytically the "objective" (normative) and the "subjective" (attitudinal) components of the situation. The relationship between these elements of social life, sentiments and structure, actor's meanings and choices, and the organised processes of collective life, continue to be a conceptual mire. In Lemert's work, the delineation between

Jock Young, Paul Walton and Ian Taylor, Jim Henslin and Richard Quinney who seek to wed Marxism, phenomenology, and some aspects of subcultural theory to breed a "radical" approach to social problems and deviance. It can be briefly said that this perspective is premised on an *emphatic rejection* of a labelling-interactionist view in so far as: (a) it accepts the dominant version of society's ruling institution—the production and distribution system, (b) the capitalistic economic model is seen only as a pale and taken-for-granted backdrop, not as a central causal force which generates crime and criminal populations. It is claimed that labelling theorists do not acknowledge sufficiently the extent to which economic processes act as a principal means of social control and how crime is in fact a function of the need within an industrial state to develop mechanisms which control excess labour. (c) It focuses largely upon the offender, attempting to explain his "deviance," rather than analysing the structure of a society which produces enormous affluence while simultaneously and systematically blocking access to opportunities for lower classes. (d) It fails to explicate adequately the structures of power and decision-making at the national and international level which perpetuate arrangements generating crime and its control. Some of these themes have been articulated by Gouldner (1968, 1970) and are a continuing theme in Marxian social science in the United Kingdom and the United States (cf. Quinney, 1974 and forthcoming; Taylor, Walton and Young, 1973).

³ Critical commentaries are found in: Akers, 1968; Becker, 1971; Bordua, 1967; Douglas, ed., 1970a and 1970b; Douglas, 1972; Fletcher, *et al.*, 1974; Davis, 1972, forthcoming; Gibbs, 1966, 1972; Gove, 1970; Lemert, 1967, 1972, 1974; Mankoff, 1971; Manning and Davis, 1973; Petroni and Griffin, 1969; Rock, 1973a, 1973b, 1974; Schur, 1969, 1971; Warren and Johnson, 1972; Scott, 1972. These critiques doubtless influence this paper.

social systems or organised social processes ("objective factors") and individual perceptions, definitions, moods and feelings ("subjective factors") was treated vaguely. That is, although processes and types of reactions were emphasised, so were variations in individual responses seen as resulting from bodily or psychological states (self-esteem) and counter resources (income, privacy, social support), neither was seen as a necessary and sufficient cause of deviance. Rather, they were elements or features characteristic of a cumulative sequence of inter-related encounters, negotiations and outcomes. Neither primary deviation, arising from diverse sources, nor secondary deviation, a result of reaction to a range of sanctions, is seen as solely causal. Deviance is a product of effective sanctioning, which itself could arise from aleatory interactions, organisational efforts, or informal reactions from neighbours, friends, or kin. This formulation makes deviance a product of interaction, no more and no less. Neither the properties of the actor, nor the properties of the reaction are adequate to an explanation of the label and its effects. As much as this conceptualisation provided a brilliant insight into the utter diversity of what might under proper conditions be labelled as deviant, it nevertheless contains some paradoxical elements. Since a label may be applied to many people who do not incorporate or react to the label in any demonstrable way, one can proceed on one of three lines of investigation. One can seek explanations for the *reactions of individuals* who are labelled (e.g. Freeman and Simmons, 1963). In this case, the concern is with the various resources, expectations, networks of friends that surround the person, and in effect can be a study of virtually any normal population since everyone at one point or another is subject to some form of social control. Or, on the other hand, the reaction of *reactors* may be studied (agents and agencies or social control, families and other relevant social groups) to examine how the reaction is formed, how severe it is, the transformation of cultural assumptions into organisational assumptions and rule-applying processes, comparison of strategies and tactics of organisations, etc. The third and most difficult mode of analysis is that which is *interactional*, in that it considers to some degree simultaneously both the labeller and the labellee within a transactional context.

In spite of an apparent commitment to developing interactional analysis, most studies proceed by an *ex post facto* judgment concerning the effectiveness of labelling. Logically, it would be possible to study a number of types of deviance, given the paradigm, including primary or secondary deviation, sanctioned or unsanctioned. Practically, the issue has been resolved by focusing upon a small segment of persons who do adopt deviant labels, view themselves in that way, and have been processed through social systems dealing with "deviance": asylums, police departments, courts, psychiatric clinics and the like. The notion of the effective sanction is employed as a sensitising concept by which one searches for those who have been labelled *and* who have accepted some aspects of this designation as relevant to their behaviour and self-definitions.

The view does seem to continue to vacillate between a concern with reaction and a concern with response, thus calling on common-sense ideas to

supply the missing meaning to terms like "deviance," "deviant" and "criminal." The role of common sense is not simply an arbitrary one, or a function of amnesia on the part of investigators, for it plays an intimate part in the perspective. Commenting on the range of things considered under the deviance rubric, Rock argues that the diffuse focus can be attributed to the lack of analytic rigour in delineating the field, and offers an explanation of this position: "When phenomenism is paramount but the phenomena themselves are not clearly arranged, the way is open for the surreptitious insertion of existential criteria for the selection of events which will be called deviant. A concern with the elusive properties of meaning has led to the placing of emphasis on the parts played by crisis or strangeness in the detection of background understandings. . . . Ironically, therefore, a phenomenism which is occupied with meaning can be forced into an appeal to the sociologist's own sense of strangeness for the definition of its significant objects. The sociology of deviancy can be more properly described as the sociology of the Gothick, a sociology which is taken up with strippers, nudists, dwarfs, the mentally ill and the hermaphrodites," (Rock, 1973 p. 22).

As a central tenet, phenomenism produced the concrete quality of much of the ethnographic work considered within the boundaries of labelling theory, and it contributed to an eschewal of the demands of hard analytic work necessary to separate given units or wholes from the network of meanings and symbols in which they are embedded.

Another strain on deviancy analysis is found in an implicit *formalism*, adapted from Simmel's elegant attempt to describe and isolate the pure forms in which human action is expressed—love, marriage, friendship, conflict. The two main themes in deviancy analysis, phenomenism and formalism, create some strains and contradictory themes when the work is closely examined. The phenomenism and the resistance to generalisation create the propensity for careful attention to everyday life and experience of deviants, while simultaneously the formalistic concern with low-level constructs such as career, primary and secondary deviance, degradation ceremonies and betrayal funnel mediates between structural conditions, vaguely alluded to, and "on the ground," experiential matters. The same opposition and mediation is found in the original work in the Chicago School which attempted to anneal structure (ecological and demographic processes as manifested in the concentric zone theory of city growth) and experience (autobiographical studies of Shaw, Reckless, Anderson and the case method advocated by Burgess). Lemert's (1974) recent critique seems largely directed to the formalistic strains in deviancy analysis—the tendency to posit "them" and "us" as interactional sequences, the portrayal of the deviant as a passive recipient of larger forces and an over-symbolic view of the outcomes of interaction.

The microformalism, as Rock correctly notes, is potentially a very constraining version of reality, for in developing a vocabulary of social forms the actor *qua* actor can be reduced to a puppet-like shadow figure moved by the *form* or geometry of interaction. The same tendency to see the important and significant aspects of the labelling process as those surrounding

interaction seems to retard the capacity of analysts to construct an analytically sound picture of institutional and political processes, a point to be further discussed below.

There are thus a set of seemingly inherent tensions and contradictions in the labelling perspective, growing from its unwillingness to generalise and abstract and to draw inferences beyond the most grounded observations (*i.e.* relatively proximal and observable concrete behavioural sequences), and its contrary attraction to microcosmic formalistic analyses. When one examines the treatment accorded the selected substantive concerns of sociology, a flawed picture emerges. The following section of the paper is a more detailed comment upon the labelling version or rendition of *interaction*, *organisation*, and *social structure*. In this review the utility of the concepts is assessed in pragmatic and empirical terms, taking into account the programmatic thrust that lies implicit in the perspective.

Conceptions of Interaction, Organisation and Social Structure

The initial flourish of interactionally-based studies appearing in the late fifties and early sixties, studies carried out by students of Hughes, Blumer and Riesman at the University of Chicago, not only extended and sharpened Meadian symbolic interactionist theory, but had the more profound and lasting effect of grounding these metaphorical tenets in a particular time, place, and group setting. However, in cruder versions of labelling theory, there is a tendency to set aside or overlook the earlier interactional insights of these aforementioned studies, and to eliminate the interactional in favour of exploring the unilateral effects of confrontations between authority and the victimised deviant. The deviant is at times only a passive recipient of the pressures, forces and strategies of more powerful others. In the formalistic version, interactions are classified by types or cultural stereotypes, such as "deviant" or "respectable" (Ball, in Douglas, ed., 1970), or as material for the creation of group boundaries (Erikson, 1966). This same tendency is manifested in the loose use of the term *career* and its rather uncritical application to every conceivable set of contingencies, objective or subjective (Stebbins, 1970). Views of interaction, as seen in Goffman's *Stigma* and *Asylums*, are subsumed under a concern for types or forms of relationship, strategies of concealing or revealing, or underlying conceptions of human beings that are structured into institutions as going concerns. Goffman (1961), in *Asylums*, sets out his aims of understanding the conception of the person as organisational member held by the higher members: "These conceptions expand a mere participation contract into a definition of the participant's nature or social being. These implicit images form an important element of the values which every organisation sustains, regardless of its degree of efficiency or impersonality. Built right into the social arrangements of an organisation, then, is a thoroughly embracing conception of the member—and not merely the conception of him *qua* member, but behind this a conception of him *qua* human being. . . . What the participant is expected to do, and what he actually does, will not be the real concern. I am interested

in the fact that expected activity in the organisation implies a conception of the actor and that an organisation can therefore be viewed as a place for generating assumptions about identity." (pp. 179-180, 186)

As was pointed out elsewhere, this leads to a rather reified notion of "the establishment", "the organisation", "its implied conception of himself" (Fletcher, *et al.*, 1974) and to a dichotomous view of interaction (the staff world and the patient world, etc.) in which the actor is forced to adjust himself to the constraints (note the Durkheimian overtones of "... a mere participation contract [expands into] a definition of the participant's nature or social being") of others. In Garfinkel's description of the degradation ceremonies, similar themes may be seen. Others have criticised the tendency to bring coherence into interaction by using metaphorical perspectives. The dramaturgical model can in many cases cast actors as far more self-aware, manipulative, strategic and rational than it is possible to demonstrate empirically (Messinger, *et al.*, 1962; Garfinkel, 1967).

Some critics (*cf.* Lemert, 1972) perhaps overstate the case, for certainly not all labelling analyses have this rigid cast, tendency to reify, and reduce the actor to a puppet. Further, it has directed attention to the ways in which labelling is a collective process in which people, in a variety of ways, must attend to the multiple audiences to which they simultaneously play. In Erikson's picture of the mental patient, a single audience is posited (the psychiatric profession), but other work shows that the interaction *context* of the mental hospital or ward involves mediating a number of conflicting demands made by nurses, aides, residents, interns, and fellow patients. This process of negotiating identities, although long a concern of symbolic interaction, was overlooked in the "pioneer works" of Erikson, Kitsuse and Becker (*cf.* Becker, 1971). Studies of crisis, initiated by *The Polish Peasant* remain as a rich source of insights. They highlight or dramatically reveal the processes by which a sense of social order is restored following the shattering of an interactional frame; they reveal what is normally assumed in interaction. Crises also bring to the fore the individual's definitions and sentiments, revealing in this way the tensions between individual and society. When the underlying assumptions of interaction remain as assumptions, it is difficult to outline exactly their place in the organisation of action. Unexpected alterations in the quasi-equilibrium in which we embedded ourselves are analogous to analysis of "deviant cases" or exceptions that prove the rule of "normal interaction." They can be also seen as the axial points around which new meanings of self crystallise, and new careers are launched, *e.g.* help-seeking processes. The notion of crisis expands the principal assumptions of labelling theory, *i.e.* that as a person moves through a career, constituted by a series of labelling processes characteristic of given stages, he/she will alter self-conception into that of the deviant; and will take on the deviant's self and role (Lemert is an exception). Becker (1963, p. 377) articulates the career notion and links it with the emergence of a deviant self and conclusive involvement in a sub-culture: "The final step in the career of a deviant is movement into an organised deviant group. When a person makes a definite move into an organised group—or when he realizes and accepts the fact that

he has already done so—it has a powerful impact on his conception of himself.”

In research on abortion, girls were interviewed who successfully obtained abortions as a result of searching for resolution to a personal crisis on a large mid-western campus. I attempted to reconstruct a “career line” or series of steps through which all progressed on the way to obtaining an abortion.⁴ A deviant self did not emerge for these girls. “Although there was an acute awareness of the illegality of the operation they underwent, there was very little guilt feeling among the girls interviewed. With few exceptions, they had *neutralised* the effect of the abortion and felt that it was the only expedient thing to do in the circumstances. There seemed to be little psychological effect on the girls; . . . none of them expressed the feeling that they were “deviants.” Several girls who were contacted in the course of the study who were ‘abortion specialists’ likewise felt no stigma . . . [These findings] suggest the need for [developing] greater precision in the study of labelling of self and others and the conditions under which it occurs, when it is effective, and when it can be neutralised.” (Manning, in Henslin, ed., 1971, pp. 160–161). A similar specification of Becker’s broad generalisation is advanced in research by Henslin (abortion and suicide, 1971, 1970); Rains (unwed mothers, 1971); Roman and Trice (alcoholics, 1970); and Gove (mental patients, 1970). Although Lemert’s own work does contain conditional statements, this research suggests that data require more careful specification of effects and relationships. Researchers will be less willing to advance a blanket proposition concerning the effects of labelling on self and will be moved to consider or to stipulate conditions under which a set of outcomes will be present.⁵ Other research on marijuana, heroin dealing, and sexual deviants (respectively: Goode, 1970; Redlinger, 1969; and Sagarin, 1970), shows that the assumption of a predictable and regular correlation of deviant self and sub-cultural context is excessively global and crude. Under certain conditions such as the need for supplies, the visibility of deviant acts, long-range dependency, etc. (*cf.* Schur, 1965), there is a probability that a sub-culture will form and will serve useful “functions.” There is, however, grounds for doubt that “drugs” (marijuana, amphetamines, hallucinogens) are *uniformly* the bases of enduring subcultures. They might more accurately be called “situationally constituted status aggregates.” (Manning, review of Goode, 1970).

The career idea has tended to obscure the variety of possible careers and roles. In an investigation utilising a coping model of health and illness-related behaviours having a career focus, it was logically demonstrated that biological changes (disease) sub-structure a sub-set of identifiable career lines (Fabrega and Manning, 1972). In complex industrial nations, in the case of tuberculosis or mental illness, for example, persons who require long

⁴ I have treated this in another context as an instance of analytic induction. See Manning, “Analytic Induction” in Robert B. Smith (ed.), *Methods in the Social Sciences*, New York: The Free Press, forthcoming.

⁵ Becker’s “Marijuana Use and Social Control” (1963) suggested analysis of the salience of different sets of identities under variable conditions of awareness. Unfortunately, this complexity of conceptualisation is not fully developed in his general statement contained in the first few chapters of *Outsiders*.

periods of care will be subject to the increased probability of dependency, greater impact upon the self and increased potential for the growth of a sense of discreditation (stigma). When the effects of duration of the treatment process, the extent of the involvement (alteration) of biological systems, degree of change in self-concept and behavioural change are simultaneously compared, we argued for at least four types of illness careers and associated "sick roles." This logical skeleton of the forms of career must be accompanied by attention to the interactional sequences they encompass. For example, Lorber (1967) has observed that a patient may desire a given sick role, and attempt to present himself in such a way as to maximise the probability of such an attribution being made. Lennard and associates (1972) quite convincingly argue that physicians reciprocate by using the prescription as a means of both labelling the patient and closing off further negotiation over the problem, especially when the patient presents a rather diffuse set of symptoms. The labelling process when examined closely reveals that both parties in any interaction attempt to construct and maintain definitions of the situation and to increase their options, even when the power differential favours one or other of the parties. Finally, it should be noted that not all deviance can be seen in career terms, but is sporadic, estwhile and temporary: cheque-forging, as Lemert and Jackson show, is such an activity, as is most delinquency. A false sense of closure may result from seizing upon the career idea without more substantial criteria for its application and a specification of what lines of action could be said *not* to constitute a career. Certainly, the idea of sub-culture has been over-used in accounting for continued deviant groups and has not enjoyed a close analysis of the attractions and repulsions which are a part of the equation the actors formulate in choosing options within the deviant world or outside it (*cf.* Fabrega and Manning, forthcoming).

Organisations

Organisations, as rule-making, rule-applying and rule-guided social structures, occupy an essential place in the labelling view. They are the locus of the actions which on the one hand create and define one set of meanings in which rules dealing with deviance are embedded; and they represent an important source of reactions which create conditions under which actors may be labelled. At least three aspects of organisation action bearing on the processing and labelling of deviants can be identified, but only one aspect has attracted attention thus far: organisational structure and process, inter-organisational relationships, and intra-and inter-domain relationships within the field of social control.

Sudnow's (1965) detailed and subtle treatment of the processes by which organisational action transforms cultural assumptions about criminals into organisational rules of thumb and processing mandates is an exception to the generalisation that labelling analysis has lightly and inadequately dissected organisational processes. It would almost seem that organisations are peopled by bureaucrats from Kafka, rigid and categorical in their judgments and actions. It would appear, if many accounts are to be believed, that they continue to chant "a rule is a rule is a rule." In one analysis of organisational

processing in rehabilitation, (Sussman, ed., n.d.) both agents and clients became types, categories and cases, neatly sorted into boxes. Little attention is paid to those bargains and negotiations that typically and continually occur within organisations: Which rules should be applied? How should the application be justified and related to other decisions? What other considerations create conflict mitigating rule-application?

Although many "conventional" treatments of organisations (Blau, Etzioni, Selznick) contain important insights bearing on these constraints, and an outline of the issues is contained in Silverman's *Theory of Organizations* (1970), labelling analysis of organisations is sadly lacking in subtlety. In many cases, an odd concern with *either ends or means* dominates the analysis. The ends are seen as static, while means are ruled by expediency as in Skolnick's (1966) treatment of drug-law enforcement. On the other hand, some analysts see ends as entirely vague and obscure while means are clear and consensual. This pattern is evidenced in Stark's analysis of *Police Riots* (1972). When attention is shifted to the analysis of interpersonal processes within organisations, dependency on the language of micro-interaction predominates to the exclusion of a consideration of the constraints which might be imposed by hierarchical relationships or inter-organisational relationships. There is a tendency to cast more powerful members of organisations as rational and omniscient, rather than as, at least at times, being somewhat stupid, fallible, confused, good-hearted or sincere. For example, biographies and autobiographical accounts of mental hospitals do not represent the world in Goffmanian fashion; they suggest nothing so much as the fact that love, tenderness, compassion and concern are evidenced in some degree. (Cf. Sylvia Plath's *Bell Jar*). To be sure, these emotions are always found in concert with vulgarity, cruelty, insensitivity, and manipulation by the staff. A way of seeing, as Burke reminds us, is also a way of not seeing.

Turning to *intra-organisational* relationships, very little evidence is available from research derived from the labelling perspective that these important contingencies are considered at all. Only a few studies, e.g. Lemert's on changes in the juvenile court in California (1969) and Clark's study of inter-organisational relationships between the police and social agencies, have addressed these questions. Yet the extent to which organisations concur or disagree in their image of man, their procedural rules, strategies and tactics, will most certainly have enormous impact on career lines of deviants (Stoll, 1968). Certainly, this suggests that rather than a single isomorphic and seamless web of meaning confronting the deviant, he is likely to be faced with a chimera of changing concepts of guilt, or causation, appropriate punishment, therapy and the like.

In a formal sense, these conceptions of cause and appropriate remedial action may be sorted out to suggest there are *domains* within which control organisations function. These domains are analytically defined, so that in practice there exist enormous potentialities for conflict within the between organisations, either within the same domain or in another domain.

It is clear that there is a greater probability of competition (over prestige, resources, public attention) than for coalescence or unity among the various

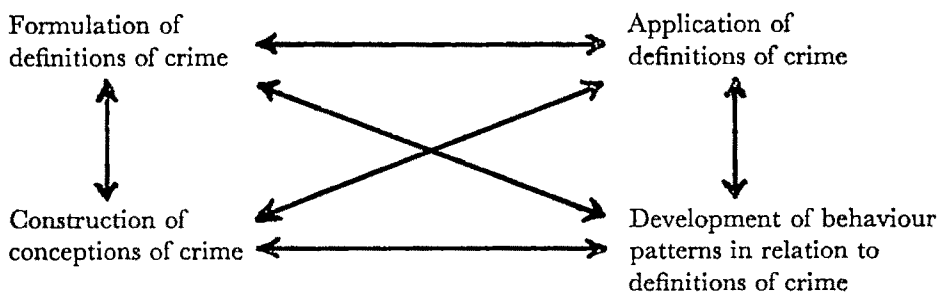
agents and agencies involved in formal social control. Conflicts between domains such as between doctors, clergymen and policemen over the definition of abortion, or within domains such as the conflicts which occasionally occur between psychologists, M.D.'s, and social workers over the definition and treatment of mental illness, are as much a feature of the labelling of deviant behaviour as are the monolithic reactions suggested by some to obtain (*cf.* Goode, 1970). Additional studies of these problems, as well as studies of the tensions and conflicts between divisions and departments within organisations (*cf.* Dalton, 1959; Laurie, 1972) would enhance the theoretical position of labelling theory by broadening the relevant range of questions to be considered.

Social Structure

Because the labelling perspective has adopted the language of micro-interaction to describe virtually all of the relationships by which labels are constructed and applied, several rather obvious faults can be detected; a flawed version of reality emerges. A very simple model of social order and authority obtains and this view can be shown to be largely ahistorical.

In Richard Quinney's *Social Reality of Crime* (1970), crime is seen as a symbolic construction which can be traced to its origins: crime is said to be produced, organised and applied as in this diagram:

Model of the Social Reality of Crime (from Quinney, 1970)



The inter-connections indicated by the arrows drawn between these four boxes are summarised by six propositions. The overall impression the reader takes away is one of enormous simplification, reification and an almost appalling absence of sensitivity to the complexity of human social interaction. In addition to a marked failure adequately to support empirically such wide-sweeping generalisations, Quinney has presented an abstracted and rather highly symbolic view of the causes of crime. In spite of the great promise in the basic conceptualisation, it overlooks a number of significant factors: (a) the situational nature of the application process; (b) the historical dimension in which the meanings of symbolic definitions must, at least in part, reside; (c) a simple view of the application of labels in "processing"

the criminal; (d) a disarticulated framework for explaining crime which attempts to fit social reality as a structural fact with the phenomenology of individual career and behaviour patterns; (e) a view of political interests surprisingly devoid of the problematic aspects of interest-creation by symbolic manipulation in the media. (Compare Quinney's view with that of Edelman, 1966, 1972; Merelman, 1969).

In addition, there is an *ahistorical quality* to the majority of the analyses of labelling theory. Seldom is a historical dimension included in research although it has been employed in the analysis of social movements. Topically relevant historically based researches, *e.g.* Becker (1963), Gusfield (1963), and Platt (1969), although excellent, (a) are restricted to a single group or movement; (b) focus almost entirely upon the aims of the leaders of the movement; (c) deal with only a single case. Exceptions to what might be called the ahistorical "rule" are doubtless of great import in setting the parameters of present research activities (Roby, 1969) on politics and the law of prostitution; Foucault (1966) on the social construction of madness; Chambliss, Jeffery, Radzinowicz, and Hall on the development of law (in Chambliss, ed., 1968); and McIntosh on homosexuality (1968), and forms of organised crime (1971). It is clear that additional attention to historical dynamics will both sharpen and broaden the perspective. Introducing a concern with describing the particulars of the given event, group, and time should introduce constraints and reduce to some degree perhaps the tendency of sociologists to abstract, simplify and reduce human action to a set of concepts, equations or rules. E. P. Thompson (1965, pp. 9-10), for example, provides a strong caution against abstractions ungrounded in particulars, especially particulars available as a result of historical analyses: "By class, I understand an historical phenomenon, unifying a number of disparate and seemingly unconnected events, both in the raw material of experience and consciousness. I emphasise that it is an *historical* phenomenon. I do not see class as a 'structure,' nor even as a 'category,' but as something which in fact happens (and can be shown to have happened) in human relationships . . . The notion of class entails the notion of historical relationship. Like any other relationship, it is a fluency which evades analysis if we attempt to stop it dead at any given moment and anatomise its structure. The finest meshed sociological net cannot give us a pure specimen of class any more than it can give us one of deference or love. The relationship must always be embodied in real people and in a real context . . . There is today, an ever present temptation that class is a thing."

Absence of a sense of history leads to other errors. The labelling claim of interest-based social control has typically taken what might be called the "strong form" of the argument which states that powerful elites or government groups *directly* control social control agents and agencies. For example, Quinney (1970) writes: [The powerful segments] "delegate enforcement and administration of the law to authorised *legal agents* who, nevertheless, represent their interests."

A recent quote also illustrates an advocacy of the strong form of the argument: "It must be stressed that the police, like all agents of social control, are

doing someone else's work. Sometimes they enforce laws and prejudices of the society, . . . but at other times, it is not 'society' which gives them their directives but specific interest groups . . . *in an unjust and exploitive society no matter how humane agents of control are, their actions necessarily result in repression.*" [My emphasis, P. K. M.] (Liazos, 1972, pp. 116-117).

It is claimed by Quinney and others that the interest theory can be extended to explain the *origins* of control agencies such as the police. Liazos (1972, p. 116), taking this position, in an analysis of police organisation which relies on three papers, principally Allen Silver's (1966), argues: "They show, through a historical description of the origin of police forces that they have always been used to defend the *status quo*, the interests of the ruling power. When the police force was created in England in the early 1800's it was meant to defend the propertied classes from the 'dangerous classes' and the 'mob.' With the rise of capitalism and industrialism, there was much unrest from the suffering underclass; the professional police were meant to act as a buffer zone for the capitalist elite."

Closer attention to historical facts and additional investigation would have revealed, however, that the origins of the civil police in England can be attributed to a variety of "factors" or "causes," some in combination with each other. For example, there are at least five distinct arguments with supporting evidence which can be formulated to explain the "interests" which "lay behind" the conceptualisation and passage of the Metropolitan Police Act of 1829. They may be enumerated in a very brief form.⁸ (1) A *Marxist interest* theory seeing the elites as key backers of the police idea as a means of attempting repression of the working classes (compare Liazos above); (2) a *reformist* conception or interpretation which links elites, scholar-intellectuals, and administrators in a broadly conceived effort to reform the penal code, judicial structure and function, and law enforcement organisation and practice (Radzinowicz, Vols. I and II; Pringle, 1955); (3) a *middle-class* "growth of respectability" argument which claims that elites, bourgeoisie and working-class "tories" or loyalists united to create mechanisms to control social disorder in burgeoning cities (Tobias, 1966; Silver, 1966; Silver and MacKenzie, 1965); (4) a view which saw the development of the police as a logical outgrowth of the utter *failure of the army* to control domestic disorders—a pragmatic bargain struck between the elites, the army, and rural landed gentry (F. L. M. Thompson, 1969; Mather, 1959); (5) a *counter-revolutionary* explanation which portrays large segments of the population, supported in their beliefs by Methodism and responding to Jacobin sentiments and activities of urban artisans and labourers, as working through mob action and demands upon politicians to seek to repress democratic or revolutionary strivings (E. P. Thompson, 1965). Each of these views is defensible: a repressive elite argument; a responsible elite argument; a modernisation argument; a pragmatic centred argument; and a counter-revolutionary, anti-Jacobin argument; but none adopts the rigid simplicity of the crude interest theory implied by Quinney and others.

⁸ These arguments are summarised from my research on the origins of the civil police in England, 1750-1829.

Any interpretation of historical events is difficult for it combines an interpretation of the past with contemporary views, thoughts, and interests; however, several summary points, none of them supportive of the strong form view, can be employed in order to interpret the rise of the police. First, no single group of "moral entrepreneurs" (*i.e.* social class, social segment, organised pressure group, etc.) mobilised sentiment in their own interest in order to establish public opinion favourable to the police invention. Many competing and sometimes opposed groups were involved; for example, the moral reformers, the utilitarians, some military men, and pragmatic politicians. The reform movement, of which the police were one "product," unfolded over a period of years, at least 78 important years between 1750 and 1828. The rhetorics of the actively involved incorporated a variety of interests, reasons and aims (*cf.* Radzinowicz, Volume III). The metropolitan police represented the culmination of a process of *drift*, punctuated by "crises" and their aftermath; for example, the Gordon Riots, the Wilkes and Liberty Riots, Peterloo, the Wapping murders (*cf.* Rudé, 1970; Radzinowicz, III), rather than an isolated dramatic movement-produced *event*. A prolonged "snowball effect", growing from innovations in policing by the Fieldings, Colquhoun, and Royal Commissions, can be described in which old pieces or social devices were defined as integral parts of a new whole. Moral and symbolic interests or forces identified with the development of the police were of less significance in shaping the character and operations of the new force than expedient moves by Peel and other cabinet members designed to counter and assuage the fears of the populace. Groups representing a cross-section of English society saw in the police a threat and a harbinger for the emergence of a French-style police state (Reith, 1938; Radzinowicz, Volume III). Finally, concepts having a set of fringe meanings in modern social scientific discourse and a standard feature of the rhetoric of labelling theorists—"justice," class repression," and "false consciousness"—had very different phenomenological reality in the early nineteenth century (*cf.* Thompson, 1965, and Foucault's criticism of the reification of the concept of mental illness in *Madness and Civilization*, 1966). Only retrospective wisdom permits investigators to "read in" modern semantic features to concepts applied to the past and to further posit them as properties attended to by members of English society in the period 1750-1829.

Comment

This rather brief sketch may be buttressed by two concluding sets of remarks. The first set is directed to an indication of the evidence which might support the claim that labelling in its original format and with its present ideological claims and self-created ambience has developed into a set of reiterated clichés resting comfortably within a structure of ideological assumptions. As a result, practitioners have reduced it to a posture or stance rather than an orientation to empirical questions.

A number of competing theoretical orientations are now struggling for attention with the labelling view and the result can be seen in considerably less focused activity among students of deviance. Strong challenges are being

made by Marxist, phenomenological, critical and existential paradigms. There is even a behaviouristic challenge (Hamblin, 1972; Bushell and Burgess, 1971). A greater proportion of sociological energy is now devoted to "explaining explanations" or "theorising about theorising;" that is, explicating the socially given basis of thought and action and turning "inward" (Tiryakian, 1970; Reynolds and Reynolds, 1970; Friedrich, 1970), rather than turning outward to mobilise research into carefully delimited empirical questions.

At the practical level, recent texts seem to have transformed labelling theory into a new litany, accepting and repeating its loosely articulated concepts rather uncritically, as might be seen in Quinney's *Social Reality of Crime* (1970). It is in danger of prematurely solidifying, thereby becoming a neo-orthodoxy. Textbook presentations of this sort possess the potential danger of closing off issues rather than raising ideas for further empirical examination. Theorists who set out the case for the labelling view in the '60s are now engaged in creating or synthesising ideas in the form of new conceptual paraphernalia and/or following a new variety of substantive interests. For example, Quinney has turned to critical theory, Matza to labour history and Marxism, and Becker to the sociology of art. It should be clear, in summary, that the previous arguments of this paper also constitute more focused evidence for the claim concerning the state of the perspective.

Turning now to the second set of remarks, one must examine types and nature of the alterations in *sentiment* which appear to underlie the above designated empirical trends (Manning, 1973 a,b). Gouldner suggests sociologists, with their fellows, possess sentiments in which their theories are embedded and from which they arise. (This is, of course, a reiteration in another form of the familiar Schutzian argument concerning the common-sense nature of social reality.) Although major shifts in sentiments and the failure of Parsonian theory to generate substantial support in empirical research do account for the recent flurry of activity critical of "conventional sociology," (read: structural-functionalism) an even more subtle shift may be taking place within the change-oriented and critical group. It can be said that there is now occurring an alteration of focal concerns of deviance/labelling theorists, an alteration composed of two parts. There is a new sense of "moral exhaustion" derived from the apparent or perceived failure of the great "radicalism-reform-revolutionary" surge of the late 60s. The high hopes for reform, a new progressivism and populism, now appear to be at least temporarily in abatement. This malaise has certainly been deepened by public knowledge of Nixon's extensive amorality and possible criminal behaviour. The claims and counter-claims manifest in the Gouldner-Becker debate (Gouldner, 1968; Becker, 1971) result from this ambivalence and failure, guilt and dispossession. These sentiments indicate a sign of the collective "erosion of nerve." The boundaries once clearly drawn by labelling ideas do possess a new subtlety and breadth, thus blurring the focus for action, obscuring the once salient targets such as anomie theory, and requiring a greater intricacy in conceptualisation and research methodology. Becker wrote in late 1971 " . . . the field of deviance is nothing special, just another kind of human

activity to be studied and understood." A diffusion and redefinition of the focus of deviance analysis seems to be in progress which may lead to concern with historical substance, legal content, authority, its rise and legitimation, and contextualised studies of moral and political meanings.

The moribund state of labelling theory is a consequence of the self-created ambience of studies of deviance and control. Labelling theory, which no one other than its critics has ever claimed is a theory, has become ossified and conceptually reified. Although the logical structure of the argument has been obfuscated by simplification and ideological rhetoric, promise remains latent in the structure and a variety of possible empirical inferences are yet to be explored.

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DEVIANCE AND DOGMA

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CRIME AND DISADVANTAGE

The coincidence of medical and social problems in an Australian city

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To what extent are the health and welfare problems of a city concentrated within just a few vulnerable neighbourhoods? Demonstration of the fact that the few neighbourhoods which suffer from a particularly high rate of juvenile delinquency are also the areas which exhibit a high incidence of medical and social problems would challenge the present philosophy of corrections in Australia. It would indicate that, instead of simply attempting to instruct people in the approved goals and standards of our society, equal attention should logically be paid to equipping them from the outset of life with the physical, personal and social resources needed to sustain the approved life style. Evidence suggesting an association between certain health and social problems and delinquency can, and will be, cited in this article. It is frankly recognised that a concentration of crime and socio-medical problems in the same geographic area would not establish a causal link between those factors. However, in view of the singularly unsuccessful attempts to establish such connections in the field of criminology, it may be more profitable to try a different tack.

Health and welfare practitioners have long been intuitively aware that many individuals and families living in depressed areas are restrained by a web of mutually reinforcing disadvantages from escaping to areas affording greater opportunities and life satisfactions. As Donnison (1969) has commented: "in the most deprived neighbourhoods of our great cities we have a 'situation,' rather than a cause, of poverty. . . . These neighbourhoods are an ecological trap, from which their residents—and their children after them—find it hard to escape."

People often display contradictory reactions to these frustrations. Apathy, resignation and the generation of values which are not accepted by the rest of society are among the characteristics which have caught the attention of sociologists. But more recently, a number of studies have brought out another side of the picture, namely, the effectiveness of our culture in encouraging aspirations even in persons whose circumstances make their realisation highly problematic. Demonstration of a close association between crime and disadvantage would invite closer study of the precise inter-relations between various forms of handicap. In particular, it would be important to examine whether the various forms of health and social deprivation, of themselves, encourage delinquency, or whether the less successful, less attractive in value terms, residents of high-risk areas tend to attract suspicion and formal

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punishment. These are matters for future investigation depending on the outcome of the present study.

Method

A group of nine medico-social indices were selected for study. Some of these measures were available from the census authorities (1966 census) but the majority were compiled by the New South Wales Bureau of Crime Statistics and Research from original sources. The most recent records consulted were 1971 figures, and none were older than 1968. The industrial city of Newcastle (Australia) was selected for study because of its manageable size (population approximately 250,000), social heterogeneity, and reputation as a centre which maintains comprehensive health statistics. Indices were generally calculated, in the first instance, as a rate per 1,000 in the relevant population. Thus, for example, the truancy rate for a suburb was calculated using the number of 6-14-year-old children in that area as base population.

At first, the geographic units chosen were some 300 census collectors' districts. It was considered that the smaller the population unit on which reliable data could be gathered, the more useful the results would be for future planning. Whilst this consideration is valid, it was realised as the study progressed that the census information for individual census districts was a less reliable data base than the figures for "minor suburbs." Thus "minor suburbs," which are on average an amalgam of four or five census districts with an average population of 3,400, were selected as the basic geographic unit.

The fundamental aim of the study was to identify "high-risk areas"—suburbs which suffered from an unusually high incidence of all, or most, of the problems selected for study. Logically, this problem is part of a wider one: how to classify the heterogeneous collection of suburbs which make up Newcastle into homogeneous groups, so that each group roughly represents a different level of vulnerability to the selected medico-social problems. In the light of these aims, there were two basic statistical techniques available for the analysis of the data.

Using a principal components analysis of the correlation matrix, it was hoped to extract a first component accounting for a sufficiently high percentage of the total variance of the medico-social indices (Wallace *et al.*, 1967) to allow the problem of grouping suburbs to be reduced to examining scores along a single dimension. This approach to the analysis is sometimes called "ordination" of the data (see, for example, Pielou, 1969). The second approach to the analysis, which is logically anterior to the variable reduction approach above, simply classifies suburbs according to their scores on each of the nine indices. Programme MULTCLAS, one of the automatic classification methods developed by Lance and Williams (1967) was used for this purpose.¹

It was hoped that the two methods would produce complementary

¹ In terms of the framework presented by Pielou (1969), the method used was agglomerative, hierarchical and polythetic. The indices were standardised for variance, and the Euclidean metric and "flexible" strategies were employed. For a general reference on classification methods, see Cormack (1971).

findings. The principal components approach constructs a "risk" factor, and one then groups suburbs according to the similarity of their "risk." The classification approach, on the other hand, identifies suburbs which are "similar" in terms of all the indices, and one then assesses the attributes they have in common.

The Indices

Mental hospital admissions

Hollingshead and Redlich (1958) have emphasised the need for careful study of the incidence of mental illness in communities and the correlation of such occurrence with as large a number of environmental facts as possible. This challenge has been taken up by a number of investigators who have demonstrated that certain social phenomena greatly increase the risk of mental illness in segments of the population consistently exposed to them. (Riessman, Cohen and Pearl, 1964; Myers and Roberts, 1959; Gruenberg, 1963). The population which is at greatest risk of clinical mental illness appears to be the group that on the one hand is exposed to the most serious environmental stresses and on the other has had the most limited opportunities to develop the skills of living.

The Newcastle index of treated psychiatric illness was computed directly from admission records at the public hospitals serving the area. The data source narrowed the range of cases to those which were considered serious enough to warrant admission to a hospital and excluded cases handled by private psychiatrists. The number of distinct patients admitted from each minor suburb was expressed as a rate of the population over 14 years of age in each area.

Educational problems

A number of retrospective studies of the social background of school leavers, and those who have reached various stages of tertiary education in Australia, have suggested that social class has produced profound inequalities in the educational system (McGregor, 1967; Anderson, 1965). The Newcastle study has been oriented towards the recognised medical and social problems of the community. This means that the higher academic attainments of young people have been considered less relevant to the purposes of the study than major disruptions to their basic education.

Truancy of sufficient seriousness to come under the official notice of the child welfare authorities is one such problem. An index has been computed on the basis of Child Welfare Department records for 1971. Applications for exemption from schooling before the statutory school leaving age have also been used to construct a second index. The population base for the calculation of the truancy index was taken to be the number of 6-14-year-old children. The school exemption index was based on the number of 14-year-olds.

Economic deprivation

Inability to obtain essential goods and services is another aspect of disadvantage which obviously warrants consideration. Yet in the absence of

census information on income levels in Australia it is difficult to devise a suitable index of economic deprivation in the Newcastle region.

Two indirect indicators of economic hardship were adopted in the present study. The first involved the number of individuals or household units from each minor suburb in receipt of assistance from social agencies concerned primarily with alleviating poverty. Information was gathered directly from the files of the Salvation Army and Smith Family for the period 1969-1971. A second index, the unemployment rate for each minor suburb, was based on census data.

Delinquency

It is well known that studies employing the technique of self-reported infractions have called into question the view that it is generally the working class who break the law (Bosa and Ford, 1971). The relevance of these findings to Australian society is a matter for future study. A necessary first step is to determine whether "official" delinquency is part of a general pattern of disadvantage which is localised in certain segments of the community. Accordingly, juvenile offences occurring throughout the Newcastle region during 1971 were analysed in terms of the area of residence of the offender. Protective orders were excluded, so that delinquency rates were based on both indictable and summary offences.

Divorce and separation

It is generally agreed that the consequences of divorce or separation are comparatively severe for children living in industrial societies (Wilensky and Lebeaux, 1958). Without denying the maladjustment of many children living in intact families, no less an authority than Goode (1961) claims that children are less likely to be law-abiding, healthy and contented if their experience of family life is broken by divorce or separation. The Gluecks (1951) have also claimed that the rate of delinquency is higher for children whose parents are separated or divorced than it is for those who have lost a parent by death.

An index of "marriage breakdown" has been developed for the minor suburbs of Newcastle on the basis of the proportion of residents who were either divorced or separated. The index was based on 1966 census data.

Health indices

While public and private arrangements have been made to provide the poor with the same quality of medical care that the more wealthy are able to afford, statistics on death and disease in many countries show that such efforts have not succeeded. Low income still decreases the likelihood of ready access to medical care, freedom from disease and long life (Eichhorn and Ludwig, 1963).

The health indices available for the Newcastle region included the incidence of tuberculosis, infectious hepatitis and venereal disease as well as perinatal mortality and prematurity rates. Venereal disease was discarded as an index because of the unreliability of the records of notified cases. Because data on the incidence of tuberculosis and infectious hepatitis were only

available for the period 1970-71 it was necessary to merge the two variables into one index entitled "notifiable diseases."

The term "prematurity" has been in use for many years and is defined as the number of babies born weighing 2,500 gm. or less per 100 births. Most infants who are still-born or die in the first 28 days of life weigh less than 2,500 gm. at birth. The incidence of cerebral palsy associated with prematurity may be as high as ten times, mental deficiency twofold, and lethal malformation seven times that in the non-premature infant. Emotional disturbance, social maladjustment, and visual and hearing defects are also multiplied (Babson and Benson, 1966, p. 7). Abramowicz and Kass (1966) summarised the importance of the problem thus: "Prematurity is the most frequently recurring factor now involved in infant death and morbidity. As such it has become the largest single problem in contemporary paediatrics and obstetrics, as well as one of the major public-health problems of the present time." It was found necessary to calculate the perinatal mortality and prematurity indices on the basis of the estimated number of women of childbearing years in each minor suburb.

Results

Correlations between indices

The correlations between indices are presented in Table 1.²

TABLE 1
Coefficients of correlation between nine indices of medico-social pathology.

Indices	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. Social agencies	1.000	0.428	0.400	0.287	0.630	0.688	0.458	0.607	0.505
2. Prematurity		1.000	0.171	0.270	0.363	0.448	0.252	0.241	0.218
3. Perinatal mortality			1.000	-0.013	0.209	0.285	0.276	0.191	0.355
4. Notifiable disease				1.000	0.191	0.205	0.237	0.342	0.163
5. Mental hospital admissions					1.000	0.363	0.237	0.400	0.259
6. Truancy						1.000	0.471	0.643	0.320
7. School exemption							1.000	0.262	0.200
8. Unemployment								1.000	0.403
9. Divorce/separation									1.000

Use of social agencies was clearly the most correlating variable with coefficients ranging from 0.40 to 0.69. Truancy was the next most highly correlating index, and unemployment, although varying widely in its association with other indices, correlated four times at the 0.40 level or better. With the possible exception of the divorce and mental hospital indices, the remaining variables generally correlated fairly weakly.

In a preliminary way, this pattern of inter-correlations suggests that three variables—social agencies, truancy and unemployment—might be especially important in identifying high-risk areas. They were the three indices which

² No tests of significance were carried out, since the basic data from which these correlations were calculated are derived from all the minor suburbs of Newcastle. It is clear that the minor suburbs comprising Newcastle, or any city, cannot be regarded as a *simple random sample* from some hypothetical infinite population of minor suburbs. Applying significance tests on this basis is therefore invalid.

It is perhaps arguable that significance tests could be made on the assumption that the values of the indices represent a multivariate sample drawn at a particular point in time.

correlated most highly with everything else. This inference was supported by the results of the principal components analysis, which resulted in the extraction of a major factor with a variance of 3.817 representing 42.5 per cent. of the total variance of the nine indices. No other component accounted for more than 13 per cent. of the total variance. In all, five components accounted for 81.8 per cent. of the total variance.

As previously suspected, the most correlating variables (unemployment, truancy and use of social agencies) represented the highest loadings on the first principal component. Although designated a "general risk" factor, the relative weighting of social and economic indices compared with the medical ones, gave this component something of a "socio-economic disadvantage" flavour.

TABLE 2
General risk factor—component loadings

Use of social agencies	0.8954
Truancy	0.8043
Unemployment	0.7370
Mental hospital admissions	0.6464
Divorce and separation	0.5868
School exemption	0.5783
Prematurity	0.5768
Perinatal mortality	0.4686
Notifiable diseases	0.4197

The high loading of the social agencies index is especially interesting. Additional calculations (not included in this paper) suggest that the construction of a general factor designed to "explain" the correlation matrix would give even greater weight to this index.

Relationship between risk and delinquency

If it is possible to extract a general risk factor, and more particularly, identify areas which are prone to multiple social and economic disadvantages, to what extent is official delinquency part of the same overall pattern of disadvantage?

First, it might be noted that the rate of delinquency within the minor suburbs correlated reasonably well with mental hospital admissions (0.65), use of social agencies (0.58), truancy (0.48), unemployment (0.45), and prematurity (0.45). The full correlation matrix, including delinquency, is given in Appendix A. The correlation between the delinquency rates and the general risk factor scores over all minor suburbs was 0.69.

When delinquency was included as one of the variables in the principal components analysis, the first component emerged once again as a general risk factor. This factor accounted for a slightly higher percentage of the total variance than was the case previously: 43.6 per cent. Delinquency loaded heavily (equal second) on the factor.

The general risk factor: identifying high risk areas

Since the range of indices is limited and, to an extent, deliberately narrow, the interest of the study is not focused primarily on the inter-relationship

CRIME AND DISADVANTAGE

TABLE 3
New General Risk Factor—component loadings

Use of social agencies	0.8813
Truancy	0.7822
Delinquency	0.7774
Unemployment	0.7213
Mental hospital admissions	0.6842
Prematurity	0.5850
Divorce/separation	0.5734
School exemption	0.5517
Perinatal mortality	0.4604
Notifiable disease	0.4311

between the indices. Rather, the aim of the study is to accept that each of the indices reflects, to a greater or lesser extent, one facet of the condition of being at risk, and then to identify these suburbs which appeared disadvantaged from many angles. The most compelling evidence for a close association between delinquency and the other strands of disadvantage examined in the study would be the existence of high rates of delinquency in the locations identified as high-risk areas.

The general factor construct described in the previous section (with juvenile delinquency excluded) is one tool which can be used to identify high-risk areas. When the scores of each of the suburbs on this factor are plotted along a straight line, seven suburbs stand out as distinct problem areas.

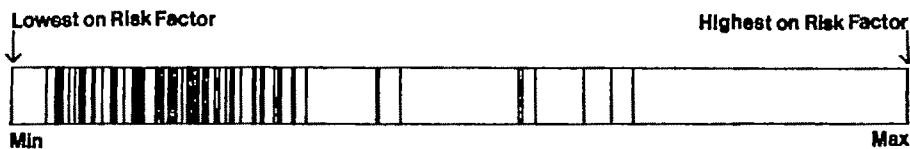


FIGURE 1
Distribution of suburbs on the risk factor (juvenile delinquency excluded).

The extent to which high delinquency rates and multiple social disadvantages are associated can be gauged from a simple comparison of the fifteen worst suburbs on both variables. Twelve out of the fifteen highest ranking suburbs on the general risk factor reappeared on the list of the fifteen suburbs with the highest delinquency rates.

The seven high-risk suburbs represent just 5.5 per cent. of the population of the Newcastle urban area. If the initial assumptions about the economic significance of dependence upon the two relief agencies were correct, then the seven high-risk areas are truly poor. We observe, in fact, that on a population basis they contain six times their quota of the agencies' clients. The seven areas have two and half times their share of truancy and notifiable diseases, twice their share of perinatal mortality, prematurity, divorce and school exemptions, and three times their share of unemployment. Furthermore, when we look at crime, they have two and a half times their share of juvenile delinquency, three times their share of charge cases heard at courts of petty sessions and six times their share of drug offences. The sharp difference

between the at-risk suburbs and the rest of the community is reflected in the table of means for each of the variables.

TABLE 4
Table of Means.

The 75 scores on each of the ten indices have been scaled between 0.0 and 100.0.

Index	Mean Scaled Score		Standard Deviation of Index
	High Risk (N=7)	Non-High Risk (N=68)	
1. Social agencies	46.7	5.6	14.7
2. Prematurity	63.6	32.6	20.5
3. Perinatal mortality	38.1	13.6	14.6
4. Notifiable disease	32.7	14.6	15.6
5. Mental hospital admissions	68.0	26.1	21.7
6. Truancy	57.0	13.9	18.7
7. School exemption	53.0	23.0	22.0
8. Unemployment	71.2	30.0	22.0
9. Divorce/separation	40.8	18.5	14.2
10. Delinquency	73.0	28.8	23.1

Classification analysis (with juvenile delinquency excluded)

The merit of the selection of seven high-risk suburbs was confirmed by the results of the second method of study, namely the classification analysis.

When the measure of social distance between groups of minor suburbs (that is, the coefficient of squared Euclidean distance) was set at 3.5 (see dendrogram, Figure 2), two clear groupings emerged, with an additional two suburbs remaining ungrouped. One group included 66 of the 75 minor suburbs. The second group included six of the seven suburbs identified as being at risk by the principal components approach, as well as one additional

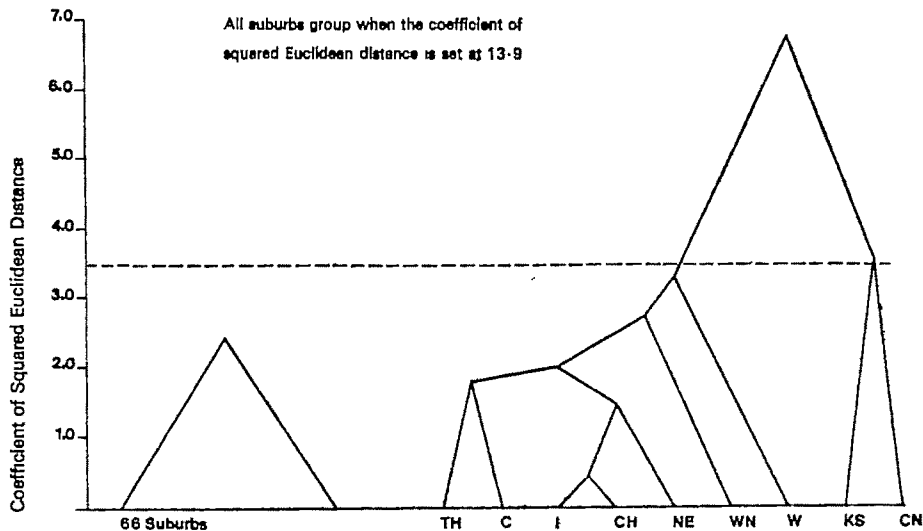


FIGURE 2
Dendrogram showing hierarchical classification of suburbs

suburb. The seventh high-risk suburb in the principal components analysis (C.N.) was one of the two suburbs which at the 3.5 level were ungrouped. However, at a less stringent level of clustering (7.0) both C.N. and the other ungrouped suburb K.S. merged with the high-risk group.

It is worth noting that the two suburbs which were ungrouped at the 3.5 level were affected by certain anomalies in the data. Both suburbs (C.N. and K.S.) had the worst score on one index only, and occupied a more moderate position on the remaining indices. This "schizophrenic" behaviour resulted in their falling between the high-risk and normal groups. The additional suburb included in the high-risk group by the classification approach ranked ninth on the general risk factor plotted in Figure I. Apart from these two variations both lines of analysis have converged on exactly the same set of disadvantaged suburbs.

Comment

The City of Newcastle has a demographic structure which closely matches that of Australian society as a whole. The structure of regional personal income closely resembles that of the State of New South Wales. The finding that neighbourhoods which have a high delinquency rate are also characterised by other forms of disadvantage cannot, therefore, be easily dismissed on the grounds that the city is unrepresentative. Further, since one of the aims of the present study has been to develop methods to guide medical and welfare intervention in the community, it has been reassuring to note the similarity of the results of the principal components and classification analyses.

The fact that it has been possible to identify a small group of disadvantaged and delinquent suburbs encourages the view that we should be expanding the range of strategies to combat delinquency on a sociological or, more specifically, neighbourhood level. In this particular case, a programme of intervention has been planned which involves conceptualising the neighbourhood as "client" and treating it as a social entity with its own functional requirements. Space does not permit a detailed discussion of this programme but a three-level approach is envisaged: (i) community building through involvement of local residents; (ii) ensuring that health and welfare services are relevant and accessible to people in the identified areas; (iii) the generation of ideas for improving social policy and administration. We must await the success, or otherwise, of these steps. Meanwhile, the present findings have gone far towards challenging the current practice of locating the causes of and remedies for delinquency within the individual.

We may imagine the "structure of disadvantage" of a city as being the outcome of a web of mutually reinforcing factors, mostly unobserved and unobservable, which act on individuals and families to produce the phenomenon of being at risk. By studying the incidence of a selection of recorded medical and social problems in each of the minor suburbs of a city, we believe that we have approximated this structure of disadvantage, and identified delinquency as one of its central features.



APPENDIX A

Coefficients of correlation between ten indices

Indices	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1. Social agencies	1.000	0.428	0.400	0.287	0.630	0.688	0.458	0.607	0.505	0.580
2. Prematurity		1.000	0.171	0.270	0.363	0.448	0.252	0.241	0.218	0.453
3. Perinatal mortality			1.000	-0.013	0.209	0.285	0.276	0.191	0.355	0.312
4. Notifiable disease				1.000	0.191	0.205	0.237	0.342	0.163	0.356
5. Mental hospital admissions					1.000	0.363	0.237	0.400	0.259	0.648
6. Truancy						1.000	0.471	0.643	0.320	0.486
7. School exemption							1.000	0.262	0.200	0.301
8. Unemployment								1.000	0.403	0.463
9. Divorce/separation									1.000	0.368
10. Delinquency										1.000

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CRIME AND DISADVANTAGE

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A STUDY OF JUVENILE DELINQUENCY AMONGST ASIANS AND HALF-ASIANS

A Comparative Study in a Northern Town Based on Official Statistics

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RECENT research studies have drawn attention to the problem of immigrant populations in terms of their adjustment to their host country. Equally there has been much work and comment regarding the problems that immigrants present, or are felt to present, to a host country (Fitzherbert, 1967; Butterworth, 1967; Holman, 1968; Dodge, 1969; Jones and Smith, 1970; Foren and Batta, 1970; and Batta, 1972).

Kent (1965, 1968a, 1968b, 1969) has pointed to possible approaches to the problems presented. She suggested that there was a possibility of hostility between social workers and immigrant clients due to conflicts of culture, the difference in socialisation and internalised values, which ordinarily occur between a native and an immigrant (McCulloch, *et al.*, 1972). At a more general level Eisenstadt (1954) postulated that for those immigrant groups whose cultural and educational standards are much lower than those of the absorbing society, there is a possibility of various types of norm-breaking; in particular crime and juvenile delinquency. He further stated that, when this is so, and various discriminatory practices are employed towards the immigrants with a likelihood of extending this into the second and third generation group of immigrants, the conditions which give rise to various types of delinquency may occur.

The present authors wondered if Eisenstadt's theory which applied to the "pure" immigrant and which was supported to some extent by Wallis and Maliphant (1972) who found high delinquency rates amongst West Indians, would also apply to "pure" Asian immigrants, to second generation Asians, and to those born of mixed native and Asian parents. By mixed parentage it was intended to include children of both native and Asian fathers but in the event all were identified as having Asian fathers. These fathers may be either "pure" or second generation immigrants. There was no way of separating these groups from the available official data. A further restriction was our inability to know from source data which adolescent Asians had been born in the United Kingdom and which outside it.

It might be postulated that where there was a mixture of ethnicity in a host country there would be more identification with the social values of that country and that this would be reflected in the level and type of delinquency found. According to the theories of marginality a person who is on the

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margin of two cultures might be prone to develop certain characteristic features of personality. Stonequist (1937) maintained that the characteristic of the marginal personality "was an ambivalence or a loyalty divided between the two cultures to which he was marginal" (Mann, 1958). It is known that some deviances of character or personality have strong associations with delinquency, and the present authors wondered if, in the case of the half-Asians, these characteristics might be emphasised because of marginality of culture added to a marginal personality not necessarily associated with culture.

Arising from this thinking and following a study conducted by Foren and Batta (1970) of the reception into local authority care of half-coloured immigrant children, the present authors decided to examine and compare the rates and types of delinquent behaviour among Asians, half-Asians and "other" juveniles in Bradford for the years 1970-1972 (inclusive). However, it is not part of the present study to infer causal links from the statistical data but only to open up the area for more rigorous study if the results obtained appear to warrant it.

Aims

The aim of the present study was to find out if there were differences in the proportionate numbers and types of crime committed by Asians, half-Asians and other juveniles (10 to 16 years) within the City of Bradford during the three years 1970-1972 inclusive. The period of the study was selected in order to ensure that a sufficient number of cases would be available to make a meaningful analysis possible. Whilst the authors would like to have examined other ethnic groups, it was not possible to get population figures on which to base the incidence rates. Bradford was chosen because it has a large Asian population and because of its central position to the authors' place of work. No specific hypotheses were formed but in view of Batta's (one of the authors of Foren and Batta, 1970) previous work in the field of child care, it was felt that an exploratory study of similar groups of people in relation to delinquency might provide some useful indicators of possible relationships between child care practice and crime.

Method

The base figures for the groups under study necessary to provide incidence rates for the groups were obtained from the Education Department in Bradford. Accurate base figures were obtained for all the groups under study except the half-Asian group. Data relating to the people under study and the offences they committed were obtained from three sources: (1) Annual Report of the Chief Constable of Bradford for the years 1970-1972; (2) the reports for the Annual General Meetings of the Justices of the Peace for the City of Bradford in 1971 and 1972 prepared by the Clerk to the City Justices; (3) juvenile court's daily preceding sheets for the City of Bradford 1970-1972.

Because the available age range of the half-Asian group started one year later than the age of criminal responsibility but included three years more

than the age range for juvenile delinquency, the authors were of the opinion that the ratios shown later will be *under-estimates* rather than over-estimates, even though these figures cover only the half-Asian children who were attending school during the period under study and not the total population.¹

Owing to the small numbers of juveniles involved in the Asian and half-Asian groups during the three years under study, a mean annual rate was used and the rates per thousand at risk calculated using this mean and the total population data for 1972.

Findings

TABLE I

*Mean crime rates per 1,000 for the years 1970-72 (incl.) according to Ethnic Group:
Persons and offences*

Ethnic group	Rate per 1,000* (Persons)	Rate per 1,000 (Offences)	Ratio of persons to offences
Pakistani† (n=1,841)	17.02	18.20	1 : 1.07
Indian†	16.65	24.97	1 : 1.50
Half-Asian (n=124)	83.31	137.10	1 : 1.65
All others (n=24499)	42.89	65.66	1 : 1.53

$$\chi^2 = 39.181; 3 \text{ d.f.}; P < 0.001$$

* This *very* occasionally includes one individual more than once when he appeared in court on more than one occasion during the period under study.

† Includes Asians from East African countries.

Table I shows that the mean rate per thousand persons of the half-Asian group is the highest, being nearly double that of all other mixed ethnic groups and more than five times greater than the Indian and Pakistani groups who are very similar in their mean values. When this is analysed according to the mean number of offences per thousand of the population the ranking remains the same although the proportionate difference between Indian and Pakistani groups increases slightly, the Indian having a rate more than one-sixth higher than the Pakistanis. Translating the ratio of persons to offences confirms the trend giving half-Asians the highest proportions and Pakistanis the lowest. It should be borne in mind, however, that during the study period an average of six Pakistanis, five Indians and three half-Asians appeared before the court *for the first time* charged with several offences. Since no more than two in any of the immigrant groups had previous convictions it follows that by far the majority of immigrant and half-Asian offenders had offended for the first time. We have no way of knowing at what period the very few who had previous convictions had committed their offences.

When the results were tested by the chi-square test of significance, the results were significant at the 0.01 per cent. level; that is to say, the results could only have occurred by chance less than once in one thousand times. An

¹ Since conducting the study the authors were able to ascertain the number of half-Asian school children over age ten years during one year of the study period (1972) and coincidentally this is exactly the computed figure of 124. This means, as was suggested, that our estimate is low.

A STUDY OF JUVENILE DELINQUENCY AMONGST ASIANS AND HALF-ASIANS

examination of the chi-square cell values showed that the greatest significance occurred amongst Pakistanis and Indians where there were almost one and a half times fewer cases observed than the numbers that could have been expected by chance factors alone.

When the groups are examined according to whether the type of offence was indictable or non-indictable Table 2 shows the results.

TABLE 2
Indictable and Non-Indictable Offences According to Ethnic Group
(Percentages)

Ethnic group	Non-indictable offences (incl. traffic offences)	Indictable offences	Total
	%	%	%
Pakistani† (n=94)	30.85	69.15	100.00
Indian† (n=49)	36.74	63.26	100.00
Half-Asian (n=31)	19.36	80.64	100.00
All others* (n=3153)	35.36	64.64	100.00
Total (n=3327)	35.11	64.89	100.00

$\chi^2 = 4.26$; 3 d/f; Not Significant.

* Includes natives, immigrants other than Asians and youngsters of mixed parentage other than mixed Asian parentage.

† One Indian, one Pakistani and three half-Asians, females only, were proceeded against during the period under study.

It can be seen that for all the groups the majority of offences were of an indictable kind, although the proportion between indictable and non-indictable offences is greater for the half-Asian group. This group had nearly four times the proportion of indictable offences to non-indictable offences, whereas the proportionate difference for the other groups approximated two to one.

When the non-indictable offences were examined in more detail according to the type of offence committed, it was found, as is shown in Table 3, that the highest rates in all ethnic groups were for those which could be classed as non-traffic offences. The highest incidence for both categories of offences was attributable to the half-Asians who had a mean rate more than three times that of the other ethnic groups for traffic offences and more than double that

TABLE 3
Mean rates per 1,000 for the years 1970-72 (incl.) for non-indictable offences according to Ethnic Group

Offence	Ethnic Group		
	Pakistani	Indian	Half-Asian
Traffic offences	0.72	1.70	5.40
Non-traffic* offences	4.52	4.41	10.73

* These include (e.g.) possessing an offensive weapon (Prevention of Crime Act, 1973); assault and beating; failing to pay bus fare; and using obscene language.

of the Pakistanis and Indians for non-traffic offences, but almost the same rates as the mixed ethnic groups. This merely reflects the higher overall rate for the half-Asian group.

Turning to the major proportion of crimes committed, namely indictable offences, an analysis of those relating to type of offence according to ethnic group showed (Table 4) that half-Asians had by far the highest mean rate for offences of theft, burglary, handling stolen property and sexual offences, although there were no offences relating to the other categories. The highest rate of all related to offences of burglary, being nearly three times as great as that for the next nearest ethnic group, the "all other" group. As was the case in Table 3 these differences may reflect the differences in overall rates. When this type of offence is examined separately in Table 5, the majority of all crimes of burglary for all ethnic groups occurred in buildings, the highest

TABLE 4

Mean rates per 1,000 for the years 1970-72 (incl.) for indictable offences according to Ethnic Group

Offence	Ethnic Group			
	Pakistani	Indian	Half-Asian	Others
Theft	4.71	3.39	16.13	8.98
Burglary	3.98	4.41	32.26	11.52
Handling	0.91	0.68	8.06	1.71
Taking vehicles	0.18	0.68	—	2.26
Malicious damage*	—	0.34	—	0.76
Wounding and sex	1.63	0.68	10.73	1.25
Criminal damage (1972)	—	1.02	—	1.80
Murder	0.36	0.34	—	—
Other indictable offences†	—	—	—	1.21

* Excluding "Criminal damage" for 1972.

† Includes (e.g.) fraud, forgery, arson, robbery.

proportion of all relating to Pakistanis. Because of the small numbers involved the results were tested by comparing Asians with non-Asians and the results of the test reached a level of significance at the 0.5 per cent. level. It was found on examination of the chi-square values for each cell that only half

TABLE 5

Location of burglaries according to Ethnic Group for years 1970-72 (incl.) (Percentages)

Ethnic Group	Dwellings	Burglary Buildings	Total
	%	%	%
Pakistani (n=22)	13.64	86.36	100.00
Indian (n=13)	23.08	76.92	100.00
Half-Asian (n=12)	25.00	75.00	100.00
Others (n=847)	42.86	57.14	100.00
Total (n=894)	41.61	58.39	100.00

Comparing Asians with all others $\chi^2 = 8.969$; 1 d/f; $P < 0.005$.

A STUDY OF JUVENILE DELINQUENCY AMONGST ASIANS AND HALF-ASIANS

as many Asians committed burglary in dwellings than could have been expected by chance, but that there was very little difference between the non-Asians according to whether the offence of burglary was in a dwelling-house or other building.

Table 6 examines the next highest rate of indictable offences, theft, according to its various types.

TABLE 6
Type of theft according to Ethnic Group for years 1970-72 (incl.)
(Percentages)

Ethnic Group	Type of Theft					Total %
	Person %	Dwelling %	Shoplifting %	Pedal cycle %	Other %	
Pakistani (n=26)	11.54	0.00	80.77	7.69	0.00	100.00
Indian (n=10)	10.00	0.00	80.00	0.00	10.00	100.00
Half-Asian (n=6)	0.00	16.67	16.67	0.00	66.66	100.00
Other (n=660)	1.67	9.24	25.61	4.85	58.64	100.00
Total (n=702)	2.14	8.83	28.35	4.84	55.84	100.00

Comparing shoplifting *vs.* other theft (Asian *vs.* Rest) $\chi^2 = 51.647$; 1 d/f; $P < 0.001$.

In both the Pakistani and Indian groups shoplifting proved to have the greatest proportion, although the small numbers involved make analysis of these findings suspect. Because of the small numbers the category of shoplifting was compared with all other types of theft and tested for significance.

TABLE 7
Indictable offences by age and Ethnic Group: 1970-72 (incl.)
(Percentages)

Age	Pakistani (n=65)	Indian (n=31)	Half-Asian (n=25)	Others (n=2038)	Total (n=2159)
10	4.62	9.68	4.00	3.14	3.29
11	7.69	6.45	12.00	7.26	7.32
12	9.23	6.45	8.00	9.81	9.28
13	13.85	3.23	12.00	14.47	14.27
14	20.00	32.26	16.00	20.00	20.15
15	26.15	9.68	12.00	21.59	21.45
16	18.46	32.26	36.00	23.70	23.81
Total	100.00	100.00	100.00	100.00	100.00
Mean Age	13.89	14.00	14.04	14.01	14.00

Using the K.S. Test

Pakistani <i>vs.</i> Indian	D(max)	=0.138; Stat. D (5%)	=0.138; P<0.05
Pakistani <i>vs.</i> Half-Asian	D(max)	=0.175; Stat. D (1%)	=0.172; P<0.01
Pakistani <i>vs.</i> Others	D(max)	=0.052; Stat. D (1%)	=0.036; P<0.01
Indian <i>vs.</i> Half-Asian	D(max)	=0.102; Stat. D (5%)	=0.182; P<Not Sig.
Indian <i>vs.</i> Others	D(max)	=0.089; Stat. D (1%)	=0.036; P<0.01
Half-Asian <i>vs.</i> Others	D(max)	=0.098; Stat. D (1%)	=0.036; P<0.01

The results reached a level of significance at the 0·1 per cent. level and when the individual chi values of each cell were examined, it was found that the the Asian groups had more than twice the number of shoplifting convictions than could have been expected solely due to chance factors.

Table 7 shows the various ethnic groups analysed by age and tested by means of the Kolmogorov-Smirnoff test of association. Comparing each ethnic group with each other showed age differences between all the groups with the exception of Indians compared with half-Asians.

For the Pakistanis, the highest proportion were in their fifteenth year, whilst half-Asians tended to be a year older, as did the group of mixed ethnic origins. The presence of small numbers makes analysis of this table somewhat difficult but, by using the Kolmogorov-Smirnoff test which uses cumulative proportions, this difficulty is lessened. This was chosen in preference to a test of differences between means since the means were remarkably similar and therefore tended to hide some statistically significant differences of the age composition of the groups under study.

Discussion

Official statistics form the basis or generating point of many studies because of their accessibility and amenability to systematic analysis. However, as Cicourel (1968 63-69) has pointed out, "tables . . . derived from police and probation records are invariably disengaged from the original events . . .," and when the research process moves one step further through a coding procedure this may constitute yet another distortion. The whole process of using official statistics as a base for the present study can be further questioned in the light of Cohen's (1955 p. 170) criticism that they may be unrepresentative. He argued that delinquencies *known* to the police, courts, schools, social agencies, etc. do not necessarily represent actual delinquent behaviour.

Hood and Sparks (1970) support this argument by pointing out that many crimes involving small sums of money are not reported as crimes. Indeed in one police area in the United Kingdom it has become a policy decision that articles found should no longer be handed in by the finder if it is felt that their value is less than £20. All that is demanded is that articles found should be reported and it therefore seems likely that the crime of stealing by finding will, in that area, be radically affected (National Press, May 1973).

Coupled with flaws in the reporting of crime there are also discrepancies in the statistics caused by decisions made regarding "who shall be prosecuted." Hood and Sparks (1970) refer to varying proportions of offenders who were released without proceedings being taken against them.

Cicourel (1968) observed in his study that during the process of investigations, which could lead to arrest involving juveniles, many of the formal legal procedures were not followed. This, he argued, was in part due to the fact that the police in their overall role must map events and social objects into socially and legally relevant categories as conditions for subsequent inference and actions. Thus there can be a gap between the manifest or officially approved version and the assumed or interpreted event offered by the individuals concerned. This dichotomy between what is believed to be

done and what is actually done may also provide another source of bias in delinquency statistics.

Hood and Sparks (1970) summarise these perspectives of the statistics of delinquency by the following comments: "In the enforcement of the law three different factors are taken into account, societal reaction reflected in the criterion of the seriousness of the offence; the need to provide help or guidance—reflected, for example, in the criteria of family conditions and status; and the probability of offending in the future, reflected in the criteria of previous record, companions, work record, dress and demeanour . . ."; and the authors also wondered whether colour was another factor that was considered?

However, despite the foregoing arguments against the dangers inherent in the use of official statistics, the authors felt, as previously stated, that a study such as the present one might at least point to areas which would lend themselves to more rigorous study. In the event, the findings presented show this to be true, and this is particularly so for the findings (Table 1) which show that the half-Asian group has by far the highest rates for juvenile delinquency—almost five times the rates for the Asian groups and double the rates for the remainder of the population.

In addition, when this is translated into the number of offences which were taken into consideration it can also be seen that more of the half-Asian group were multi-offenders than all others. In this regard, while the Indian and "all others" groups committed one and a half crimes per person, the Pakistani group stands out as a group who appear to commit single offences.

Bearing in mind the possibility of faulty data compilation to which we earlier referred and assuming, as we did before the study, that these biases might adversely affect the delinquency rates for the Asian population in particular, it is apparent that even if such adverse bias exists the Asians have a much lower rate for delinquency than either the half-Asians or the remainder of the population studied. The low rates for the Asian group could possibly be explained by extrapolating on Desai's (1963) thesis that the Indian regards police intervention "as extraneous . . . and resented" which may mean that they contain their transgressors within their cultural milieu and do not report their misdemeanours. This tentative explanation may also hold good for the Pakistani group. It seems more likely, however, that their close-knit cultural ties operate so as to diminish delinquent activities and that the low rates are, in fact, nearer to the reality of the situation. There is support for this view in the work of Foren and Batta (1970) who suggested that "coloured families in the Bradford community are more stable and can depend more upon their own resources in meeting domestic vicissitudes than either the indigenous population or the half-coloured group." The findings of these authors can perhaps also be used to explain the high rates for delinquency among half-Asians in this study in that this group may, like the cohort of the 188 half-coloured children in the Foren and Batta study, belong to less stable families. In other words, half-coloured children may be the most deprived and the least well adjusted in the community. We would suggest that this may be so because they suffer not only from the recognised

problems of coloured children, but also from an intensity of confusion relating to personal identity. They have neither the inherited Asian culture nor the white skin which would "permit" them to acquire full white status.

That this conflict does present emotional problems and that problems occur early in life is supported by Mtezuka (1973) who found that in a child guidance clinic population in the same city all but one of the racially mixed children were aged between 5 and 11 years old, whereas the majority of all other referrals were over 11 years of age. Another study by Fitzherbert (1967) found that amongst 41 mothers of racially mixed children in care, nearly all were "socially inadequate" and nearly half of them found the racial issues complex.

When delinquent acts were sub-divided according to the legal division between "indictable" and "non-indictable" offences it was found that, although the offences committed by all of the groups together were evenly divided, there were noticeable variations between the groups (Table 2). In particular the half-Asians had a ratio of approximately four indictable offences to every non-indictable one as compared to approximately two to one for all other groups. In order to extract some meaning from this finding we examined the specific crimes for the non-indictable offences (Table 3) and the indictable offences (Table 4) separately.

The principal group of non-indictable offences were concerned with non-traffic situations and for them it is noticeable that the mean rate for Asians is less than half the rates for the other two groups. In this area the half-Asians are very similar to the "all other" group. Conversely, for traffic offences only the half-Asian group stand out with a mean rate approximately four times each of the other groups. These findings appear to reflect only the observed differences in the overall delinquency rates which have already been discussed.

Looking at the types of indictable offences (Table 4) the outstanding findings were that for burglary the half-Asians had a rate nearly three times as great as the next nearest group, and for wounding and sexual crimes the difference was even greater. The Pakistanis' and Indians' offences were largely those of theft and burglary, which is consistent with the findings for the "all other" group. Because of these findings we looked at the offences of burglary and theft at greater depth. For burglary (Table 5) it is noticeable that breaking into buildings is much more common than entering dwellings so far as the Asians and half-Asians are concerned, while the reverse is true, though to a less extent, for the "all other" group. So far as theft was concerned a very clear pattern emerges. Asians were predominantly found guilty of shop-lifting offences (over 80 per cent.) while fewer than a quarter of the other two groups featured in this category.

To explain these differences is difficult. If we are correct in our hypothesis that half-Asians may be more "disturbed" than their native counterparts and do not have the Asian culture "effect," then for these offences they may be more like the "all other" group (mainly native). That they offend proportionately more frequently than the native group might be explained

purely by their greater preponderance of psychological and social factors which are normally associated with delinquency.

An explanation, however, is still called for regarding the proportion of Asians who steal from shops. It would be tempting to suggest that because of their colour they are "observed" more easily than the others while indulging in this activity or are prosecuted for this more often than members of the other groups. However, there may also be cultural or other reasons for this activity which are not immediately apparent. If some racial discrimination were operating it would seem to follow that the maximum number of Asians who stole other than by shoplifting and who burglarised dwellings would appear in the statistics. The fact that this is not the case would seem to indicate that even if some racist practice did exist the Asians do not indulge much in these activities. The explanation, therefore, must be elsewhere.

The half-Asian delinquent group appear to be older than the Pakistani group and about the same age as the other groups. It would therefore seem that it is the Pakistani pattern which differs not only from the others but from the peak age of offenders nationally. Clearly, on the evidence available, the Asian juveniles would appear to be much more law-abiding than the other groups studied but, of course, we have already suggested that delinquent propensities may be controlled or contained by their ethnic or may be diverted into other symptoms. In so far as half-Asians are concerned we have seen, yet again, that in terms of indices of social or psychological malaise, they are very much a "high risk" group.

It is evident that more and deeper studies are called for.

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TEMPORARY AND CONTINUING DELINQUENCY

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THIS report investigates some of the factors which distinguish young men who give up delinquency on reaching adulthood from those who continue to be active delinquents. The data were obtained from the Cambridge Study in Delinquent Development, which is a long-term survey of a cohort of 411 boys who were representative of the normal population of a working-class neighbourhood in London (West, 1969). The present report is based upon 83 boys who constituted the most delinquent fifth of the sample, according to a scale which combined both official and self-reported delinquency. These 83 consisted of 37 boys with two or more juvenile convictions, plus 46 who, although having no more than a police record of delinquency or a single criminal conviction, nevertheless admitted a large number of different offences on a self-report schedule. Details of the construction of this delinquency scale, and of the offences involved, have been published elsewhere (West and Farrington, 1973, pp. 158, 162-163). In that publication evidence was provided that self-report scores and official records were both valid measures of delinquency, and that a combination of the two was probably more accurate than either one on its own.

The 83 juvenile delinquents were divided into two groups. The first group, labelled "temporary delinquents", consisted of 33 youths who, up to the time when they were interviewed at age 18-19, had acquired no criminal convictions since turning 17 and, in replying to questions about six types of thieving, denied that they had committed any such offence in the previous year. The second group, 48 in number, labelled "continuing delinquents", consisted of those who had either acquired one or more criminal convictions as adults, or admitted one or more of the six offences. The numbers total only 81 since two of the original 83 had to be discounted from the analysis because they were not interviewed at age 18-19, one having been killed in an accident at age 17 and one being on the run from the police and untraceable. Both had criminal convictions since turning 17.

Since this inquiry was completed sufficient time has elapsed to provide some test of the validity of the contrast between temporary and continuing delinquents. A follow-up at the Criminal Record Office in January 1974, when the majority of the boys were aged 20, revealed that since the interview at age 18½, 25 (or 52.1 per cent) of the continuing delinquents had been reconvicted at least once, in comparison with only three (10.0 per cent.) of the temporary delinquents. The three reconvicted temporary delinquents had all experienced a conviction-free period of more than three years.

In comparing temporary delinquents with continuing delinquents, the following sets of data have been examined:

1. Accounts of past delinquencies given by the youths themselves, taken

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from transcripts of tape-recorded interviews at age 18-19. These were supplemented by descriptions contained in official records.

2. Psychological and social observations and measurements taken before the boy's tenth birthday. These were examined with a view to detecting background characteristics that might be predictive of continuing as opposed to short-lived delinquency.

3. Reasons volunteered by temporary delinquents for giving up delinquent activity.

Points of Difference between Temporary and Continuing Delinquents

(a) Seriousness of the juvenile record

A comparatively slight commitment to delinquency as a juvenile was more common among those who later gave up delinquency, whereas a serious commitment was more common among those who continued their delinquency into adult life. Thus 27.3 per cent. of the 33 temporary delinquents, compared with only 6.2 per cent. of the 48 continuing delinquents had, as juveniles, no conviction of sufficient seriousness to warrant opening a file at the Criminal Record Office (Fisher $p=0.011$). On the other hand, 25.0 per cent. of the continuing delinquents, compared with only 6.1 per cent. of temporary delinquents, had as many as four or more juvenile convictions involving an entry at CRO. (Fisher $p=0.024$). These results were only to be expected in view of the well known fact that risk of re-conviction increases with the number of previous convictions (Martin and Webster, 1971).

This finding introduced a complication into all further comparisons, since any observed difference between continuing delinquents and temporary delinquents might be attributed to the fact that the temporary delinquents tended to have less serious records. To allow for this, each of the temporary delinquents was matched with a continuing delinquent with the same number of juvenile convictions. Only 27 such matching pairs could be obtained. (Since only three continuing delinquents, compared with nine temporary delinquents, were free from a CRO conviction entry, six of the 33 temporary delinquents could not be matched). Since the delinquent group were originally defined by a combination of self-report scores and criminal records it would have been more logical to match temporary and continuing delinquents on the same combination. Owing to the small numbers in the sample this was not possible. However, having matched for previous convictions, the two groups no longer differed significantly on self-report scores (Wilcoxon $T=169$ with 26 non zero pairs).

(b) Motives for juvenile offences

The 81 boys interviewed at age 18-19 were all asked to give an account of their juvenile offences (both detected and undetected), to explain why they had committed them and to say who they were with at the time. Among a total of 300 accounts of particular crimes, 42.7 per cent. cited motives that could be classed as rational (e.g. for material gain) and 26.3 per cent. suggested that the offence had been committed because it was an enjoyable activity (e.g. for fun, to relieve boredom). The remaining explanations were

classed as follows: self-exculpation (e.g. "I was young", "I was drunk") 12.7 per cent. Encouragement by, or solidarity with, mates 10.7 per cent. Miscellaneous 4.6 per cent. Don't know 3.0 per cent. These findings contrast with the views of Downes (1966), according to whom non-utilitarian motives for crime are predominant among offenders aged 16 and 17.

The temporary delinquents attributed their offences to motives of enjoyment significantly more often than the continuing delinquents (35.6 per cent. of the accounts against 22.4 per cent. Fisher $p=0.015$). Since the continuing delinquents more often had multiple offences, this difference could have been due to offences becoming less enjoyable after first conviction. However, even after matching for the seriousness of the juvenile conviction record, the temporary delinquents more often cited motives of enjoyment than the continuing delinquents (Wilcoxon T test based on 27 matched pairs, $p<0.05$).

(c) *Offending in company*

It is often reported that most juvenile offences are committed by small groups of three or more boys. For example, the Report of the Commissioner of Police of the Metropolis (1971) states that, of the 42,979 persons under the age of 21 arrested in London during 1971, 69.7 per cent. were operating in groups. The continuing delinquents, however, were much more likely than the temporary delinquents to report that they had, on occasion, committed a juvenile crime on their own. 34.0 per cent. of the 47 continuing delinquents who answered the question said they had committed a crime alone, as against only 10.0 per cent. of the 30 temporary delinquents (Fisher $p=0.015$). The finding was confirmed by reference to conviction records at the Criminal Record Office. There were a total of 129 conviction entries which specified whether the boy was convicted alone or with others. None of the 37 entries relating to temporary delinquents, as opposed to 12 of the 92 entries relating to continuing delinquents, stated that the boy was convicted alone (Fisher $p=0.014$).

When the two groups were matched for number of juvenile convictions, it still held true that significantly more of the continuing delinquents than of the temporary delinquents claimed to have committed an offence alone (Wilcoxon T test, $p<0.05$).

(d) *Involvement with adolescent peer groups*

Involvement with adolescent peer groups is often seen as a temporary phenomenon which helps youngsters over a difficult stage when conflicts with the family are frequent (Scott, 1956). The abandonment of such peer groups may signify the successful negotiation of this stage of development. Temporary delinquents, but not continuing delinquents, tended to report that they had abandoned the male peer groups of their adolescent, delinquent phase. Of the temporary delinquents, 97.0 per cent. reported that, between the ages of 15 and 17, they had sometimes gone around in an exclusively male group of four or more; but only 45.5 per cent. of them

said that they were still doing so at the age of 17½ ($p < 0.01$). The involvement of continuing delinquents in groups remained unchanged, 81.2 per cent. at 15–17, 83.3 per cent. at 17½. The temporary delinquents who had withdrawn from their male peer groups had not become social isolates, but when they went out they were generally accompanied by a smaller number of companions.

(e) *Criminals in the family*

Compared with the continuing delinquents, the temporary delinquents included fewer boys (27.3 against 64.6 per cent.) who had a family member (parent or sibling) with a CRO record acquired before the boy was ten years old (Fisher $p = 0.001$). This difference remained significant after matching for number of juvenile convictions (Wilcoxon T test, $p < 0.05$).

(f) *Socio-economic handicap*

Boys from deprived backgrounds were more common among the continuing delinquents than among the temporary delinquents. 47.9 per cent. of continuing delinquents, as opposed to only 18.2 per cent. of temporary delinquents, came from families classed as IV or below on the Registrar General's scale of socio-economic status (Fisher $p = 0.005$). When matched for number of juvenile convictions the two groups still differed significantly in the proportion of boys from low-status families (Wilcoxon T test, $p < 0.05$).

The measure of socio-economic status was based on the employment of the family breadwinner before the boys were aged ten. Like criminality in the family, this factor may therefore be considered predictive of continuing, as opposed to temporary, delinquency. West and Farrington (1973) considered that "family income" was a more sensitive measure of social handicap than the Registrar General's scale. In fact 43.7 per cent. of the continuing delinquents, as opposed to only 24.4 per cent. of the temporary delinquents, came from low-income families (Fisher $p = 0.052$).

(g) *Psychological variables*

Various psychological measurements were taken before the boys' tenth birthdays, but none of them significantly distinguished between those who became continuing delinquents and those who became temporary delinquents. In particular, comparatively low IQ scores on the progressive matrices test, although significantly predictive of delinquency in general, failed to discriminate between the continuing and the temporary delinquents. Similarly, several measures of aggressive tendency which were taken at age 14, although significantly discriminating the delinquents from the non-delinquents, failed to differentiate the continuing and the temporary delinquents.

Reasons for Giving up Delinquency put Forward by some Temporary Delinquents

The interviews at age 18–19 did not include any systematic questions on this topic, but 19 of the 33 temporary delinquents spontaneously volunteered reasons for having given up delinquency. Their explanations implied that, for the most part, they had taken an active decision to change their ways.

On the whole, the reasons they cited had little connection with the factors which the foregoing analysis suggested might be important. There was one exception. Three of the temporary delinquents pointed to a withdrawal from their former male friends as a factor in their reform. For example, Case 882 had nine juvenile convictions. Between the ages of 15 and 17 he had been a member of an unstructured skinhead gang, heavily involved in fighting at youth clubs and football matches. He gave his reasons for extricating himself from the group as follows: "To keep out of trouble, that's why I don't go round with them no more . . . Now I just go round my mate's house now and again. I don't hang around with a lot of mates or anything like that."

It was striking that, of the five temporary delinquents who had received a custodial sentence for juvenile offences, every one claimed that the experience had helped to divert him from delinquency. Case 852 stressed the treatment he had received: "It (approved school) did me a lot of good. I'll never get nicked again. It's changed my personality. It's changed everything . . . It's because they treat you in there like you're going to be when you come out. I learned about motors and I was the foreman of the building department. I learned how to drive a dumper truck. While I was there I built a swimming pool. I was really proud of it—paving stones, everything."

Case 350 thought that the shock effect of his loss of freedom had far more influence on his future conduct than his previous non-custodial treatment (on probation): "you only have to see some bloke every week. It don't really click in your mind. You just go along and see him and you go round the corner and do another (housebreaking). There was nothing there stopping you from doing it . . . If they done something firm, something that would have put a bit of shock into you, so that you know the next time you done it, you were going to be put somewhere you ain't going to like." (On committal to approved school): "That was it . . . When I look at myself now (compared to) when I went in. There you get friendship—everything there."

In contrast, ten out of the 48 continuing delinquents had been sent to institutions for juvenile offenders, but none of this group claimed that the experience improved his subsequent behaviour and one suggested that it made him still more anti-social.

Claims by ex-inmates to have derived benefit from a custodial sentence are rare in the literature of criminology, but this could be just a reflection of the fact that the "successes" of the penal system are rarely available for interview. The present findings suggest that at least some criminals believe in the benefits of detention. It is possible, however, that the five temporary delinquents who expressed this view may have merely picked out an easy and acceptable explanation, without giving much thought to other possibilities.

The experience of being convicted even though it did not lead to a custodial sentence, was apparently sufficient to encourage some boys to reform. Whereas most of the continuing delinquents expressed casual attitudes towards their convictions, the most common explanation for giving up delinquency volunteered by temporary delinquents was the effect of their last juvenile conviction. Ten of the 24 temporary delinquents with CRO

records as juveniles, compared with only three out of 45 continuing delinquents, mentioned that their last juvenile conviction had influenced them to improve their behaviour (Fisher $p=0.001$). Furthermore, when each temporary delinquent was matched with a continuing delinquent with the same number of juvenile convictions the two groups still differed significantly in the frequency with which the effect of conviction experience was mentioned (Wilcoxon T test, $p<0.001$).

One of the temporary delinquents, Case 591, gave the following account of his feelings on being convicted: "It made me conscious I've been in trouble with the police and it makes me more careful not to get done again for anything, even driving. I make sure I don't buy or sell drugs and I make sure nobody shoves any drugs on me. I have all my pockets buttoned up . . . I've always been a mug all my life and I'm trying to turn it the other way now. I'm going to let all the rest be mugs." In contrast, one of the continuing delinquents, Case 181, said: "It taught me to be more careful—not to use the obvious exit (when housebreaking)."

Three temporary delinquents cited the potential or actual disapproval of a wife or girl friend as a reason for avoiding delinquency. Case 473, after describing his early misdemeanours, commented: "Even the Mrs. doesn't know about all that." He felt that his wife would be shocked and unhappy were she ever to find out about his delinquent history. Case 803, after admitting to his juvenile convictions, remarked: "I've changed quite a lot since then because . . . of the girl friends I've had. They've changed me."

No objective confirmation of the beneficial effects of heterosexual relationships was obtained. In fact, the continuing delinquents, compared with the temporary delinquents, were marginally more likely to be married, engaged or "going steady" at the time of the interview (56.2 per cent. of 48, as opposed to 48.5 per cent. of 33). But then delinquents in general tend to be more sexually precocious than non-delinquents (Schofield, 1965).

Other reasons mentioned by the boys were very varied. One said that joining the army was a turning point, another said that starting work had brought an end to his career as a "juvenile tearaway." Two boys said they had developed new interests in life, one said he had lost the "guts" for crime, another that he had been influenced by a friend's committal to prison, and another said he had become less concerned with material things.

Discussion

Many juvenile delinquents cease being convicted as they reach adulthood, but little is known about the factors associated with persistent as opposed to temporary delinquency. One hypothesis would be that persistent and temporary delinquents differ only in degree, the persistent cases being merely more extreme examples. On this hypothesis one would expect those destined to become continuing delinquents to show a relatively serious commitment to delinquency as juveniles. This expectation was fulfilled, in so far as the continuing delinquents had more juvenile convictions than the temporary delinquents.

Even after taking into account the seriousness of juvenile delinquency

records, by matching continuing and temporary delinquents for number of juvenile convictions, the two groups were still distinguished by several interesting characteristics. First, the temporary delinquents, but not the continuing delinquents, frequently reported that they had given up going about with groups of male companions, as they used to do when they were younger. It seemed that disengagement from the influences of delinquent peer groups was an important feature in the abandonment of delinquent habits, and indeed several of the temporary delinquents mentioned this spontaneously when they were interviewed. The interpretation to be put upon this finding is unclear. It may be that boys wishing to avoid delinquency deliberately shun delinquent companions, or it may be that some aspect of maturation brings about new interests and more discriminating friendships which, in turn, lessen the likelihood of exposure to delinquent temptations.

Another feature characteristic of temporary delinquents was their tendency to say they had committed their juvenile offences for enjoyment rather than as a means to some rational end, such as financial gain. It was noticeable also that they hardly ever committed their juvenile offences alone, without the support of a delinquent group. These two features, committing offences for a serious motive, and committing offences alone, could be regarded as additional indications, over and above their actual number of convictions, that the continuing delinquents had been more seriously committed juvenile delinquents. It might, of course, be argued that the boys' retrospective comments could have been influenced by their current delinquency status but, since the comments were in accord with other more objective evidence, they were probably valid.

One might expect the deleterious influences associated with becoming a delinquent in the first place to be more closely associated with the continuing delinquents than with the temporary delinquents. In several instances this was found to be so. For example, low socio-economic status, and having a member of the family with a criminal record, were both significantly more frequently found in the continuing group, even after matching for numbers of previous convictions. Certain other factors, however, such as comparatively low intelligence, and aggressive traits of personality and attitude, which previous research has shown to be significantly associated with becoming delinquent, were no more prevalent among continuing delinquents than among temporary delinquents. One speculative interpretation of these findings could be that a potentiality towards persistent delinquency is not so much a reflection of personality factors, such as aggressiveness, as a consequence of exposure to social influences, such as poverty and criminal fathers. Since personality development and environmental pressures are so closely interdependent, it is perhaps artificial to try to distinguish between them. A good deal more evidence on this point is needed before reaching any conclusion. Fortunately, we have been given facilities to re-investigate the present sample at age 21, so it should be possible to obtain further clarification later.

The idea of investigating differences between temporary and continuing delinquency, and reasons for becoming law-abiding, emerged only after the

interviews had been completed. This means that reasons for giving up delinquency expressed by the boys were spontaneous and uninfluenced by any beliefs the interviewers might have held.

Among the reasons for giving up delinquency volunteered by the temporary delinquents themselves the most prominent were the consequences of being caught. Those who had spent periods in custody felt that the experience had caused them to change. Others felt that the experience of conviction, even without custodial sentence, had been sufficient to make them think seriously about their position. Such spontaneous comments, although not very objective or scientific, do serve to draw attention to the possible benefits of deterrence in some cases. The continuing delinquents were more casual about their conviction experiences, and saw no benefit in the penal measures to which they had been subjected.

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PSYCHOLOGICAL AND ETHNIC CORRELATES OF INTERPERSONAL MATURITY AMONG DELINQUENTS*

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A VALID and reliable method of classifying those delinquents whose difficulties can be acceptably explained in interpersonal and developmental terms can be highly instrumental in achieving the goals of efficient case management and effective differential treatment. With regard to delinquency prevention, recent strategies emphasising change in institutional structure and process (U.S. Department of Health, Education, and Welfare, 1972) acknowledge the role of interaction between personality variables and virulent qualities of the social environment. Among the typological systems which have gained considerable attention, Warren's formulation of developmental stages and delinquent subtypes (Sullivan, Grant and Grant, 1957; Warren *et al.*, 1966) undoubtedly is one of the most influential. Originally outlined in the late 1950s and emphasising the role of interpersonal and psychological variables operative in many forms of social deviance, the formulation and its component treatment strategies have been subsequently developed in the context of a ten-year programme of action research within California's Community Treatment Project (CTP) for delinquent youth (Palmer, 1971).

Although the system has undergone certain revisions and extensions as a result of CTP's experience in trying to understand better and treat over 600 adjudicated male and female delinquents, many of its fundamental characteristics remain unchanged. These include particular emphasis upon differences in the interpersonal contexts in which persons grow and mature; the principle that a person perceives and reacts to his social world in ways consistent with and protective of a unique developing core identity or concept of self; the supposition that personality growth occurs over a series of broad stages each of which represents the interaction of preceding stages of personality organisation with new socialising experiences; and the belief that normal personality development leads to increasingly active involvement with people and social institutions as well as to increasing self-differentiation and individuality.

At any stage of development, not one but many dimensions are necessary to describe adequately the perceptual qualities and themes of response characteristic of any individual's personality. However, interpersonal maturity is viewed as a general developmental continuum along which most persons can be located at any point in time. Although seven I-levels are proposed, three have been found sufficient to account for most delinquents in correctional

* This research was part of a larger research-demonstration programme of community-based treatment for delinquent adolescents. The project is jointly sponsored by the California Department of the Youth Authority and the National Institute of Mental Health (MH 14734).

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settings. An abbreviated description adapted from Palmer (1971) of these three is given below, together with certain subtype delineations which have been made within each of them.

Maturity Level Two (I₂). An individual whose overall development has not progressed beyond this level views events and objects primarily as sources of either frustration or short-term pleasure. He distinguishes among individuals largely in terms of their being either "givers" or "withholders" and has little conception of interpersonal refinement beyond this. He has a very low level of frustration tolerance together with a poor capacity to understand many of the basic reasons for the behaviour or attitudes of others toward him. The delinquent subtypes are: 1. *asocial, aggressive*; 2. *asocial, passive*.

Maturity Level Three (I₃). More than the I₂, an individual at this level recognises that certain aspects of his own behaviour have a good deal to do with whether or not he will get what he wants from others. An individual at this level interacts primarily in terms of over-simplified rules and formulas rather than from a set of relatively firm, generally more complex internalised values. He understands few of the feelings and motives of individuals who are organised differently from himself. More often than the I₄, he assumes that peers and adults operate mostly on a rule-oriented, manipulation, or intimidation/power basis. The delinquent subtypes are: 1. *immature conformist*; 2. *cultural conformist*; 3. *manipulator*.

Maturity Level Four (I₄). More than the I₃, an individual at this level has internalised one or more sets of standards in terms of which he frequently attempts to judge the behaviour and attitudes of himself as well as others. These standards are not, of course, always mutually consistent or consistently applied. He recognises interpersonal interactions in which individuals attempt to influence one another by means other than promises of hedonistic or monetary reward or by manipulation. He shows moderate ability to respond to complex expectations of others on a relatively long-term basis. The delinquent subtypes are: 1. *neurotic, acting-out*; 2. *neurotic, anxious*; 3. *non-neurotic, situational-emotional reaction*; 4. *non-neurotic, cultural identifier*.

A complete account of the clinical, field observational, and controlled research which the I-level perspective has generated cannot be presented here, but some empirical findings most relevant to this paper may be noted.

Gottfredson and Ballard (1963) found I-level to be positively correlated with dominance, responsibility, tolerance, and interest in making a good impression. Negative relations between I-level and the variables of social maladjustment, immaturity, autism, alienation, and manifest aggression were found by Werner (1972). Among delinquent females, I-level was substantially correlated ($r=0.59$) with verbal intelligence and was related to ethnic status in such a manner that a disproportionate number of non-whites were diagnosed as belonging to lower interpersonal maturity categories (Zaidel, 1970). The latter result was in part explained on the basis of the linkage between I-level and measured verbal intelligence. Miller (1972) also found a strong relationship between I-level and verbal intelligence ($r=0.58$). Positive relationships between maturity level and cognitive complexity, impulse control, and foresight remained significant, however, after the

INTERPERSONAL MATURITY AMONG DELINQUENTS

effects of I-level group differences in intelligence were removed from the data. Beverly (1965) found a correlation of 0.37 between I-level and verbal intelligence. Furthermore, consideration of the item content of an objective scale which differentiated low from high maturity youths ($r=0.50$) suggested that, on the average, the latter were less fatalistic, more accepting of core-culture values, and less inclined to rely upon over-simplified rules for prediction and explanation than were youths of low maturity.

Cross and Tracy (1971) found maturity level to vary positively with age, intelligence ($r=0.36$), social class, and locus of control or perceived locus of responsibility for self. With respect to the focus of the present paper, by far the most interesting of all their findings was that the correlates of maturity level seemed to be a function of the racial group considered: future time perspective, locus of control, and global rating of guilt all played a more significant role in predicting I-level for blacks than for whites.

Problem

As a further attempt to increase the clarity of the construct of interpersonal maturity, the present study explored the extent and manner of relationship between I-level diagnosis and several particular configurations of personality factors. Of central importance to this research was an investigation of the effect of ethnic status on the I-level/personality-pattern relationship found. Should ethnic status be found to moderate the correlates of interpersonal maturity, a state of affairs suggested by the work of Cross and Tracy, the scope of the construct's applicability would be restricted and its interpretation made considerably more complex.

Additionally, a study was made of the relationship between I-level and intelligence. That some positive relationship between these two dimensions exists can readily be deduced from I-level theory. Previous investigations employing various tests of intelligence and samples differing in size and composition have found correlations ranging from the low 0.30s to near

TABLE 1
Descriptive Characteristics of Non-White and White Study Samples

	Non-Whites	Whites
N	474	460
Mean age	15.4	15.7
Mean SES*	1.1	1.4
Frequencies of I-level diagnostic categories		
I ₂	17	17
I ₃	209	93
I ₄ neurotic	200	334
I ₄ non-neurotic	48	16
Frequencies of non-white subgroups		
Black	284	
Mexican-American	154	
Other	36	

* Scaling adapted from Reiss and Rhodes (1961).

1 = low (e.g. labourers including farm workers, persons whose income is largely welfare aid).

2 = middle (e.g. craftsmen, clerical, small business proprietors).

3 = high (e.g. managers, professionals).

0.60. CTP's large and heterogeneous (in terms of factors such as age, diagnosis, and ethnic status) sample of youths on whom intelligence data are available made possible what is probably a quite stable estimate of this relationship with respect to non-verbal intelligence.

Method

Sample

A sample of 934 males was selected from all males who participated as either CTP experimental or control cases between 1961 and 1971. The total sample was composed of one sub-group of 460 whites and another of 474 non-whites. Table 1 describes the specific ethnic composition of the non-white group and also shows the age, socio-economic, and I-level characteristics of the two sub-samples. The four I-level breakdowns shown in Table 1 were used throughout this investigation; apart from the separation of I_4 neurotics from I_4 non-neurotics, no sub-type distinctions were made.¹

Procedure

For the purpose of studying personality correlates of I-level diagnosis, the California Psychological Inventory (CPI) was selected as an independently developed, but relevant, standard of established reliability and validity. (The nature of the expected relationships between responses to the CPI and I-level will be made clear below.) The 18 scales of the inventory are classified by Gough (1969) into four categories each of which is believed to represent scales having similar psychological and behavioural implications. Gough makes no claim regarding the psychometric basis of the classification. The four groups are: (1) measures of poise, ascendancy, self-assurance and inter-personal adequacy; (2) measures of socialisation, maturity, responsibility, and intra-personal structuring of values; (3) measures of achievement potential and intellectual efficiency; and (4) measures of intellectual and interest modes. In that this classification scheme is not wholly supportable on the basis of inspection of scale inter-correlations presented by Gough, independent research by other investigators working with the CPI (Crites, Bechtoldt, Goodstein, and Heilbrun, 1961; Mitchell and Pierce-Jones, 1960; Nichols and Schnell, 1963) or inspection of correlations computed over the total sample employed in the present research, an attempt was made to clarify the dimensionality and internal structure of the inventory prior to studying its relationships to I-level diagnosis.

To accomplish this, Tryon's method of cumulative communality cluster analysis (Tryon, 1958) was selected as a result of the flexibility and directness with which this method of analysis is able to define obliquely positioned clusters of variables. Separate analyses were first carried out for the white and non-white groups. In as much as the two solutions matched one another

¹ These two sub-types were studied separately from one another because previous research at CTP on the Jensen Psychological Inventory correlates of I-level suggested that the non-neurotic group might represent a somewhat higher average level of maturity than the neurotic group. For both whites and non-whites nearly all eleven scales of the Inventory showed the I_4 non-neurotics to differ from the neurotics in a manner similar to that in which the former group differed from the I_3 s and I_2 s.

quite closely,² a cluster analysis of the CPI for the total sample of 934 cases was performed and subsequently revised with a view to increasing cluster reliability, clarifying the psychological meaning of clusters, and maximising whenever appropriate the independence of pairs of rotated dimensions. Cluster scores based upon the final solution were computed by simple summation of standardised scale scores of the set of variables defining each cluster. Variances of the cluster score composites were set proportional to the communality exhausted by the corresponding clusters.

One of the important features of the design of this study was its reliance upon the analysis of CPI cluster score patterns and their relationship to the I-level classification system. The primary interest lay not so much in studying or maximising the magnitude and significance of relationships between diagnostic status and one or more predictor variables, but in studying the nature of the joint distribution of I-level classification and a statistical typology of persons (the component types of which are hereafter frequently referred to as *Otypes*) derived on the basis of CPI cluster score profiles. The typology was developed by defining initial groups of persons through a simple pattern analysis of their CPI cluster scores and then iteratively reassigning individuals to groups in terms of the magnitude of a simple function of their Euclidean distances from each of the groups, distances which changed decreasingly with each iteration. Most of the computations involved in developing the typology and assessing its adequacy were performed by component programmes within the BC TRY system of cluster and factor analysis (Tryon and Bailey, 1965).

For the purpose of evaluating the relationship between I-level and intelligence, scores for a sub-sample of all subjects were obtained on the non-verbal scale of the California Test of Mental Maturity (CTMM).

Results

Cluster analysis of the CPI

On the basis of results from the two ethnic sub-group analyses and from those of an initial, total-sample factoring, a decision was made to drop both the communality and the femininity scales prior to a final analysis which produced three oblique dimensions. Table 2 shows the correlations of the CPI scales with those clusters best accounting for their communality, the generality of each cluster (i.e. its saliency in terms of accounting for the total communality of the CPI scales), the communality of each variable, and the definers of composite scores for each cluster. As in orthodox factor analysis, the same scale was permitted to contribute to the composite for more than one dimension although this condition was avoided when possible. Cluster reliabilities (which seem quite acceptable) and inter-correlations are shown in Table 3.

² Similarity of the two solutions was evaluated on the basis of proportions of communality accounted for by corresponding dimensions, overall appearance of the matrix of rotated factor coefficients, empirically selected defining scales of the clusters, and both the rank-order correlations and "co-efficients of congruence" between factor coefficients of members of obviously similar pairs of clusters. The median ρ was 0.89 and the median congruence index was 0.95. The latter index is discussed in Harman (1960, p. 257).

TABLE 2

*Final Total Sample Cluster Analysis of the CPI:
Rotated Factor Coefficients, Communalities, Cluster Score Definers, and Cluster Generalities*

Cluster	CPI Scale	Factor coefficient*	h^2	Generality of cluster†
Cluster I: Adult-Role Socialisation	Achievement via conformity	0.88 D	0.83	0.66
	Tolerance	0.85 D	0.80	
	Self-control	0.85 D	0.86	
	Intellectual efficiency	0.78 D	0.72	
	Good impression	0.77 D	0.62	
	Well-being	0.76 D	0.58	
	Responsibility	0.74 D	0.57	
	Achievement via independence	0.72 D	0.74	
	Capacity for status	0.66	0.67	
	Socialisation	0.64 D	0.53	
Cluster II: Ascendant Extraversion	Sociability	0.87 D	0.76	0.49
	Dominance	0.76 D	0.60	
	Capacity for status	0.74 D	0.67	
	Self-acceptance	0.71 D	0.61	
	Intellectual efficiency	0.70	0.72	
Cluster III: Personal Maturity	Social presence	0.64	0.53	0.26
	Achievement via independence	0.77 D	0.74	
	Tolerance	0.65 D	0.80	
	Flexibility	0.60 D	0.44	
	Intellectual efficiency	0.49	0.72	
	Capacity for status	0.48	0.67	
	Well-being	0.43	0.58	

* A "D" beside the factor coefficient of any variable signifies that the scale was one of those used to define composite scores on the cluster in question.

† Reproducibility of communality of all variables.

TABLE 3

Intercorrelations and Reliabilities of Cluster Score Composites

	Cluster I: Adult-role socialisation	Cluster II: Ascendant extraversion	Cluster III: Personal maturity
I	0.95*	0.49	0.70
II		(0.50, 0.49)†	(0.70, 0.70)
III		0.89	0.34
			(0.34, 0.35)
			0.82

* Diagonal values are lower-bound internal consistency indicators of composite reliabilities. They are equal to the square of corresponding cluster domain validities and are often referred to as "alpha reliabilities" (Cronbach, 1951).

† Values in parentheses are *etas* corrected for cluster-score interval size used in computation.

Reference to Table 2 shows that cluster I is clearly a very general factor, having correlations above 0.63 with the following ten CPI scales: well-being, responsibility, socialisation, self-control, tolerance, good impression, achievement via conformity, achievement via independence, intellectual efficiency, and capacity for status. Considered collectively, these scales appear to represent certain normative products of middle-class socialisation experiences through which persons are supposed to acquire personal characteristics deemed necessary for adjustment to adult society. These characteristics include social skills, tolerance, acceptable ambitions, methods of self-regulation and co-operation, and internal standards for self-direction and

evaluation. As a result, cluster I was given the label *Adult-Role Socialisation* (ARS). Nine scales contributed to the composite scores for this dimension.

Cluster II had its highest correlations with sociability, dominance, capacity for status, self-acceptance, social presence, and intellectual efficiency, suggesting that it be named social ascendancy or *Ascendant Extraversion* (AE). Composite scores on this cluster were defined in terms of all but the last of these scales. The dimension seems appropriate in making distinctions among persons in terms of such qualities as leadership potential, persistence, interpersonal sensitivity, versatility, competitiveness, independence, social interest, and poise. From their analysis, Nichols and Schnell (1963) find this cluster to represent significantly the familiar extraversion-introversion dimension and describe its item content in terms of five areas: comfortable-ness with others, joy in interpersonal interaction, dominance and leadership, absence of fear and embarrassment, and quickness of response.

Cluster III was more specific and somewhat less reliable than the others having only three variables with factor coefficients equal to or greater than 0.60 and six with coefficients equal to or greater than 0.43. The important scales involved in this dimension were tolerance, achievement via independence, flexibility, capacity for status, intellectual efficiency, and well-being. The first three of these were used to define composite scores for this dimension and appear to emphasise the qualities of intellectuality, autonomy, confidence, self-differentiation, assertiveness, breadth of interest, and insightfulness. The cluster was accordingly named *Personal Maturity* (PM).

Person clusters in terms of three CPI dimensions

The next phase of analysis involved the development and evaluation of person clusters or Otypes reflecting similarities and differences among score patterns over the ARS, AE, and PM variable clusters. The results are shown in Table 4 where six person clusters are described in terms of a variety of statistics including frequency, pattern of mean cluster scores, and relative deviation of these means from total-sample averages (on the basis of which the descriptive labels at the left of Table 4 were assigned to the Otypes).³ Of special interest are the Otype homogeneity indices which indicate the "tightness" of profiles of the individuals composing each Otype; these values were computed separately for each of the three variable dimensions as well as on an aggregate basis across all dimensions. Their exact definitions appear in notes below Table 4. It can be seen that over 99 per cent. of all 934 individuals were found to fit acceptably one of the six component groups of the typology. Within the table, the six Otypes have been ordered in terms of their overall profile elevations. This ordering is reflected in the last column which shows for each Otype the sum of the relative deviations of its three cluster score means from total-sample means on these same CPI clusters. These are termed "relative deviations" (Rdev) because they are expressed in terms of the total-sample standard deviations for each cluster.

³ These six clusters were derived from a statistically more refined set of eleven. All criteria for this compositing of Otypes were completely objective and pertained to their patterns of mean cluster scores and to the spatial distances among them.

TABLE 4
Frequencies, Profile Levels, and Homogeneities of Six Condensed Otypes (Person Clusters)

Otype	Descriptive Label*	Cluster Abbrev.	Frequency	Adult-Role Socialisation			Profile Level and Homogeneities Ascendant Extraversion			Personal Maturity			Overall homogeneity††	Sum of Rdev
				Mean	Rdev*	Homogeneity†	Mean	Rdev*	Homogeneity†	Mean	Rdev*	Homogeneity†		
I	Low	ARS	259	40.95	-1.11	0.90	46.47	-0.73	0.72	47.46	-0.80	0.69	0.84	-2.64
	Low	AE												
	Low	PM												
II	Average	ARS	102	50.75	0.09	0.96	44.77	-1.08	0.94	50.25	0.08	0.75	0.94	-0.91
	Low	AE												
	Average	PM												
III	Average	ARS	242	47.98	-0.25	0.94	50.66	0.14	0.92	49.35	-0.20	0.69	0.91	-0.31
	Average	AE												
	Average	PM												
IV	High	ARS	102	56.13	0.75	0.97	49.39	-0.13	0.84	52.00	0.63	0.77	0.92	1.25
	Average	AE												
	Average	PM												
V	Average	ARS	123	54.87	0.60	0.80	57.04	1.46	0.85	50.82	0.26	0.65	0.94	2.32
	Very high	AE												
	Average	PM												
VI	Very high	ARS	103	64.43	1.77	0.90	54.51	0.93	0.56	54.41	1.38	-0.48	0.76	4.08
	High	AE												
	Very high	PM												
Total N			931											
Cluster Mean				50.00			50.00			50.00				
Cluster Standard Deviation				8.15			4.84			3.20				

* Rdev (relative deviation): deviation of Otype cluster mean from total-sample mean (50.0) relative to total-sample deviation. Key to descriptive labels:

Rdev Value	Label
Rdev ≤ -1.50	... very low
$-1.49 \leq$ Rdev ≤ -0.71	... low
$-0.70 \leq$ Rdev ≤ 0.70	... average
$0.71 \leq$ Rdev ≤ 1.49	... high
$1.50 \leq$ Rdev	... very high

† These homogeneity values (or "partial *etas*") represent the square root of the proportion of cluster score variance "explained" by the Otype: Homogeneity = $[1.00 - (\text{variance of the Otype on a given cluster} \div \text{total variance of the given cluster})]^{\frac{1}{2}}$. Should Otype variance exceed total-sample variance, this index will be imaginary. In such cases, homogeneity is computed without regard to the sign of the proportion of explained variance and a minus is attached to the resulting index.

†† These composite homogeneity values represent the square root of the proportion of variance accounted for by the Otype over all clusters: Overall Homogeneity = $[1.00 - (\text{sum of variances of the Otype across all clusters} \div \text{sum of total variances across all clusters})]^{\frac{1}{2}}$.

INTERPERSONAL MATURITY AMONG DELINQUENTS

Overall, the CPI typology seems very satisfactory. Each cluster is represented by a sizable number of cases; the relative deviations of the cluster means are such as to permit meaningful conceptual distinctions among Otypes; and virtually all homogeneity indices are acceptable and the majority highly so.

The data in Table 4 point up some real differences among the Otypes in terms of both overall elevation and relative high and low points across the three factors. The following summary interpretations of the Otype patterns are based upon results of the CPI cluster analysis and interpretative information presented in the CPI reference manual. These descriptions help clarify the relationship to be expected between these typological groupings and I-level diagnosis.⁴

Type I. This is a very depressed profile indicative of significant difficulties in interpersonal and social adjustment. Persons in this cluster are particularly weak with respect to adult-role socialisation, underscoring their social immaturity, poorly developed value systems, lack of interest in achievement, low level of responsibility, and impulsivity. Their below-average status on personal maturity suggests a lack of independence and ability to adjust to complexity and change in their lives. A narrow, non-intellectual style of thinking is also indicated. The low ascendant extraversion dimension illustrates a lack of social interests, skills, and interpersonal sensitivity. Persons of this type are probably non-participant and deficient in ability to express themselves acceptably or persuasively in social contexts. They are most likely perceived by others in such terms as the following: immature, lazy, dogmatic, impulsive and under-controlled, rebellious, deceitful, aloof, distrustful in personal and social outlook, self-centred, submissive, awkward, shallow, apologetic, and apathetic.

Type II. This profile has no strong or high points although it is not so depressed as is the Type I pattern. It reaches average status in terms of adult-role socialisation and personal maturity indicating that persons of this type have neither strength nor deficiency in the areas of socialisation, responsibility, tolerance, interest in achievement, independence, and flexibility. There is no evidence of rebelliousness, felt conflict with social values and demands, or aggressive acting out. This profile's unique feature is its very low standing on the ascendant extraversion scale, a characteristic which suggests a particularly withdrawing style of social response, a low sense of personal and social worth, an absence of leadership potential, an apathetic and submissive nature, and an absence of social sensitivity and poise. Persons of this type are most likely perceived by others in such terms as the following: inhibited, slow, lacking self-confidence, avoiding situations of decision, restricted in outlook, suggestible, self-restrained, conservative, passive, self-defensive, and apologetic.

Type III. The profile defining this type is unique only in the sense that it is

⁴ It is important to remember that these Otype descriptions and comparisons are based upon the means and scale units of the present sample and not upon those of any other normative group. Thus, for example, while a profile or cluster score mean may be described below as "very high," it might be considered quite low relative to many other reference groups.

average and without notable peaks or depressions on any of the three dimensions. The pattern resembles that of Type II, but without the tendency toward passivity, withdrawal, introversion, and lack of poise. There is some very slight tendency for ascendant extraversion to exceed the other two factors, thus suggesting persons who are somewhat dependent upon or interested in social stimulation as an end in itself. Persons of this type may be able rather comfortably to "blend into the crowd" in social settings without being outstanding in any particular positive or negative way.

Type IV. The most distinguishing feature of this type is the relatively high level of its position with respect to adult-role socialisation. Much more than any of the types considered thus far, this profile suggests the personal qualities of responsibility, dependability, self-regulation and moderation, achievement orientation, and conformance to core-culture values. A lack of status on the ascendant extraversion factor, however, indicates that these qualities are probably not integrated into or expressed through any notable tendency toward leadership or social ascendancy. Personal maturity is also not outstanding for this type and is consistent with a picture of persons who are average in regard to autonomy, flexibility, and social adaptability. They are most likely perceived by others in such terms as the following: planful, conscientious, resourceful, modest, conforming, practical, deliberate, honest, verbally fluent, helpful, self-reliant, and intelligent.

Type V. This pattern is characterised by marked elevation of the ascendant extraversion dimension, representing self-assurance, poise, dominance, capacity for status, and sociability. Adult-role socialisation and personal maturity, however, are only somewhat above average. Unlike Type III, in which the tendency of ascendant extraversion to exceed both adult-role socialisation and personal maturity is very slight and its absolute value only moderate, ascendant extraversion for the present type is quite dominant both ipsatively and relative to all other types. Thus, this pattern seems to represent relatively mature persons having very strong interpersonal interests; somewhat above average internalisation of values regarding self-regulation, responsibility, and achievement; and average status with respect to intellectuality, flexibility, independence, and tolerance. They are most likely perceived by others in such terms as the following: aggressive, verbally fluent, having leadership potential, insightful, effective in communication, outgoing, competitive, enthusiastic, persuasive, self-assured, conscientious, dependable, and concerned with making a good impression.

Type VI. Relative to all other types, this profile is very much elevated across all three dimensions, with adult-role socialisation and personal maturity being highest. This type represents substantial and balanced strength in all three areas—internalised values of responsibility, self-regulation, achievement, and independence; interpersonal interest, skill, and sensitivity; and personal development in terms of autonomy, breadth of interest, open-mindedness, and flexibility. Ascendant extraversion, while high, is not as salient as are the other two factors. This suggests that, although persons of this type are definitely extravert rather than introvert and withdrawing, they value (relative to, say, Type V individuals) some real degree of separateness and

independence. This may represent the sometimes inward orientation of a self-reflective, insightful personality whose values and goals are somewhat more personal and intellectual than they are social or status-oriented. Persons of this type tend to be seen by others in such terms as the following: independent, resourceful, serious, conscientious, intellectually able, co-operative, forceful, well-informed, outgoing, idealistic, deliberate, concerned with making a good impression, adventurous, insightful, and having broad and varied interests.

Relations Among CPI Person Clusters, I-level Classification, and Ethnic Status

Two specific expectations applied to the I-Level/CPI profile system analysis and to the influence of ethnic status on any relationship existing between these two. Clearly, substantial variation in particular qualities of personal and social development is apparent among the six typological clusters of persons described above. The types have been numbered and their descriptions presented in an order coinciding with increases in these developmental characteristics or patterns. As it was believed that these qualities—described above in terms of the three dimensions defined by cluster analysis of the CPI—were positively related to interpersonal maturity, the general expectation was that there would be a disproportionate representation of higher maturity youths in those CPI profile groups indicative of greater personal, social, and interpersonal development. Youths diagnosed as being of lower maturity were expected to be found with disproportionate frequency in those CPI profile groups indicative of a lower overall development in these same three areas. The second and perhaps most important expectation of these analyses was that the relationship between I-level and the CPI profile typology would not be a function of ethnic status. No interaction of the CPI profile system, I-level, and ethnic group was anticipated.

This phase of the investigation involved analysis of a $6 \times 4 \times 2$ contingency table in which the respective factors were Otype, I-level diagnosis and ethnic group membership. The data in Table 5, which presents the basic 48-cell design, are consistent with both expectations regarding the relationship between Otype pattern and I-level diagnosis: a positive relationship between CPI Otype and I-level is apparent and seems to be of equal and quite modest strength for both ethnic groups.

Table 6 shows the results of partitioning the 48-cell total χ^2 for these data into statistically non-overlapping components representing the relationships between Otype and I-level, Otype and ethnic status, ethnic status and I-level, and between all three of these factors (Sutcliffe, 1957). Of central importance to the purpose of this investigation is the non-significant value of the χ^2 component which represents the three-factor interaction. With a probability exceeding 0.80, it indicates that there is no difference between white and non-white groups in terms of the manner in which personality characteristics, as reflected in Otype membership, are related to I-level diagnosis.

The lack of interaction between Otype, I-level, and ethnic status justified pooling the two ethnic samples in order to achieve a more reliable test for the relationship between Otype and I-level. The χ^2 value of 45.35 is highly

TABLE 5

Joint Distribution of I-Level Diagnostic Categories and CPI Otypes (Person Clusters) for White and Non-White Subsamples

Ethnic Status	Otype	I-Level Diagnosis				
		I ₂	I ₃	I ₄ neurotic	I ₄ non-neurotic	
White		(6.2)*	(24.0)	(69.0)	(0.8)	
	I	8 (47.1)†	31 (33.7)	89 (26.8)	1 (6.3)	129
	II	2 (11.8)	14 (15.2)	37 (11.1)	3 (18.8)	56
	III	4 (23.5)	20 (21.7)	70 (21.1)	3 (18.8)	97
	IV	2 (11.8)	11 (12.0)	33 (9.9)	3 (18.8)	49
	V	0 (0.0)	11 (12.0)	46 (13.8)	3 (18.8)	60
	VI	1 (5.9)	5 (5.4)	57 (17.2)	3 (18.8)	66
	N	17	92	332	16	457
		I ₂	I ₃	I ₄ neurotic	I ₄ non-neurotic	N
	I	7 (41.2)	62 (29.7)	53 (26.5)	8 (16.7)	130
Non-White	II	2 (11.8)	25 (12.0)	16 (8.0)	3 (6.2)	46
	III	6 (35.3)	66 (31.6)	62 (31.0)	11 (22.9)	145
	IV	2 (11.8)	26 (12.4)	18 (9.0)	7 (14.6)	53
	V	0 (0.0)	15 (7.2)	37 (18.5)	11 (22.9)	63
	VI	0 (0.0)	15 (7.2)	14 (7.0)	8 (16.7)	37
	N	17	209	200	48	474

* Figures in upper right of cells are row percentages.

† Figures in lower left of cells are column percentages.

significant. Regardless of its statistical significance, however, the relationship is small and would be of little or no practical value for predicting either Otype on the basis of I-level or, of greater interest, I-level on the basis of Otype. In fact, despite the obvious overall relationship between Otype and I-level, the best diagnosis prediction would be I₄ neurotic regardless of which Otype is considered. This can be viewed as the consequence of the very high base rate in excess of 57 per cent. for this group.

In order to determine the specific sources of significance of the overall Otype/I-level relationship, its χ^2 value and 15 degrees of freedom were partitioned into three orthogonal components having 5 degrees of freedom

INTERPERSONAL MATURITY AMONG DELINQUENTS

each (Kimball, 1954). The three components represent the following comparisons: I_2 vs. I_3 ; I_2+I_3 vs. I_4 neurotic; and $I_2+I_3+I_4$ neurotic vs. I_4 non-neurotic. Tests of significance are presented in the indented fifth to seventh lines of Table 6. It is evident that the largest source of overall significance is the second of these comparisons as it accounts for 56.7 per cent. of the overall χ^2 . The next largest contributor to the overall relationship is the contrast between I_4 non-neurotics and all other maturity groups. Its χ^2 value accounts for 32.1 per cent. of the overall figure and illustrates the continuity of trend across I-level groups apparent in Table 5. This contrast suggests that, in terms of CPI cluster score configuration, I_4 non-neurotics differ from I_4 neurotics in a manner similar to that in which the neurotics are distinguished from lower maturity groups, a result much like that found in previous research on Jesness Psychological Inventory scale correlates of I-level.⁵ The remaining 5 degree of freedom contrast, representing the comparison of I_2 's with I_3 's, did not reach significance.

TABLE 6

Chi Square Analysis of Interactions Among Otype, I-Level, and Ethnic Status

Source	Degrees of freedom	χ^2	Significance
Total	38	167.46	$p < 0.001$
Ethnic status $\times$ I-Level	3	93.95	$p < 0.001$
Ethnic status $\times$ Otype	5	18.43	$0.001 < p < 0.005$
Otype $\times$ I-Level	15	45.35	$p < 0.001$
I_2 vs. I_3	5	5.02	$0.300 < p < 0.500$
I_2+I_3 vs. I_4 neurotic	5	25.75	$p < 0.001$
$I_2+I_3+I_4$ neurotic vs. I_4 non-neurotic	5	14.58	$0.010 < p < 0.020$
Ethnic status $\times$ Otype $\times$ I-Level	15	9.73	$0.800 < p < 0.900$

It is interesting to look beyond the generalised, expected relation between Otype and I-level to the more specific issue as to which of the three CPI clusters is most closely associated with maturity. To this end, the correlations between the ARS, AE, and PM factors and diagnostic category were computed. Respectively, these indices are 0.13, 0.28, and 0.18. The apparent salience of ascendant extraversion is suggested also by data in Tables 4 and 5. Examination of the information provided in Table 4 suggests a single ipsative pattern feature in terms of which the six Otypes can be naturally combined into two groups of three each. Otypes I, III, and V share the common feature of an AE Rdev value (essentially a standard score equivalent of the corresponding cluster score mean) which is slightly to substantially higher than their ARS and PM Rdev values while Otypes II, IV, and VI approach mirror images of these patterns. Considering Otype organisation in this way helps clarify the relative importance of the CPI variable clusters to the overall relationship between Otype and I-level. Specifically, the Table 5 row percentage figures for the neurotic non-white subjects indicate that Otypes II, IV, and VI tend to defy the overall relationship between Otype and I-level. That is, the combined row percentage figure for Otypes I and II (39.2 per cent.) is slightly less than that for Otypes III and IV (40.2 per cent.) which, in turn, is less than that for Otypes V and VI (51.0 per cent.).

⁵ See note 1.

However, the percentage for Otype II is less than that for Otype I, the percentage for Otype IV is less than that for Otype III, while the percentage for Otype VI is less than that for Otype V. This tendency for the Otypes having a relatively low standing on the AE dimension to defy the overall relationship between Otype and I-level is observable to a lesser extent within the neurotic white sample. It may thus be that the AE dimension is the most critical to the relation between Otype and I-level and that relatively high standing on this factor can compensate to some extent for lower overall personal and social development as reflected in Otype pattern elevation. Beyond a certain level, however, this compensatory feature no longer holds (*e.g.* Otype V vs. Otype VI within the neurotic white sample). This hypothesis is not supported by the data on white and non-white non-neurotic I₄s and for this and other reasons it is emphasised that the above interpretation is a tentative one.

The data of Table 5 also permit an evaluation of the relationship between ethnic group membership and I-level diagnosis. While non-whites are about equally distributed between lower and higher maturity diagnostic groups (I₂s combined with I₃s vs. I₄ neurotics combined with I₄ non-neurotics), for whites the ratio is about three to one in favour of the higher maturity groups. This is especially noteworthy in view of the fact that the two ethnic sub-samples differed negligibly in terms of mean age (see Table 1), a correlate of I-level within the California Youth Authority ward population (Molof, 1969). Closer inspection of Table 5 shows that the overall trend is primarily a result of percentage differences between the two groups at the I₂ and I₄ neurotic levels. It is interesting to observe, however, that the percentage of non-whites who fall within the high maturity non-neurotic category is considerably greater than the percentage for whites. Table 6 shows the χ^2 value of 93.95 for the overall relationship to be very significant.

The relationship between Otype and ethnic status, though significant, is extremely small and reflects small, unsystematic ethnic group differences in mean CPI cluster scores.

Relationship of I-Level to Intelligence

The final stage of this study was an assessment of the extent to which I-level diagnosis co-varied with intelligence. Of the total group of 934 diagnosed males, CTMM non-language scores were available for a sub-sample of 371 (213 whites, 158 non-whites). Coded into an essentially symmetrical six-step distribution these scores correlated 0.27 with maturity level. Closer inspection showed this relationship to be largely due to the difference between the I₂s and I₃s combined and the I₄ neurotics. Neither the intelligence difference between the former two groups nor that between the latter group and I₄ non-neurotics contributed significantly to the overall relationship found.⁶

Discussion

The major expectation regarding the nature of relationship between I-level and the CPI configural clusters was confirmed. Three reliable dimensions

⁶ The relationship between I-level and CTMM non-language score was also measured by the *phi* coefficient, Cramer's statistic, the coefficient of contingency, tau, and gamma. The respective values of these four measures are 0.31, 0.18, 0.30, 0.24, and 0.34.

representing responses to the GPI were defined and appear to correspond, in a general way, with social/cultural (ARS); interpersonal (AE), and independence/cognitive (PM) development. That variation among separable groups of persons in the general level of development of these factors was positively related to I-level diagnosis is consistent with the considerable emphasis given in I-level theory to the relationship between maturity and each of the following variables: internalisation of cultural and subcultural values; interpersonal sensitivity and perceptual abilities; empathy; abstractness of cognitive and learning processes; and self-differentiation and development within interpersonal contexts. More importantly, the apparent importance of the ascendant extraversion dimension to the overall relationship is in keeping with the centrality of interpersonal experience and growth to both the abstract concept and actual diagnosis of maturity level. The content analysis of the individual items of this scale (in terms of comfortableness with others, joy in interpersonal interaction, dominance and leadership, absence of fear and embarrassment, and responsiveness) by Nichols and Schnell is also germane to this point. The relationships found in the present study, however, were small and their value heuristic rather than predictive.

The results of this study suggest that the configurations of GPI cluster scores which distinguish I_4 neurotics from I_{4s} and I_{4s} also differentiate between the neurotic classification and I_4 non-neurotics. One explanation of these results might be that the non-neurotics represent a somewhat higher average level of maturity (within the general I_4 range) than do the neurotics. This interpretation is consistent with impressions resulting from recent, unpublished clinical reviews of case history material of I_4 youths at the Community Treatment Project. A more extreme possibility, however, is that the non-neurotic group is a relatively heterogeneous category which contains some proportion of persons who might be more accurately diagnosed as I_{4s} . If so, the fact that they were not could be in part a result of interviewer expectation regarding the likelihood of any given subject being diagnosed at the I_4 level. Any experienced interviewer would certainly be aware of, and perhaps influenced by, the extremely small base rate for I_{4s} within the California Youth Authority population.

Confirmation of the prediction of no significant interaction between I-level, GPI Otype, and ethnic status also was in accord with I-level theory. There is nothing within written presentations of interpersonal maturity theory which suggests that either the strictly theoretical characterisation of the construct or its meaning in terms of correlations with other variables should change as a function of ethnic status. No support can be found in these data for the implications of the Cross and Tracy findings regarding ethnic status as a moderator of I-level meaning. Moreover, the previously cited research by Werner on Community Treatment Project wards found Jesness Psychological Inventory scale correlates of I-level to be virtually identical for white and non-white subjects. It is, of course, still possible that such interaction effects exist with respect to the particular measures of future time perspective and locus of control employed by Cross and Tracy. Also, it should be remembered that these investigators compared whites with blacks while the CTP analyses

have compared whites with non-whites, only 60 per cent. of whom were black. Nevertheless, in consideration of the available evidence on this question, it is suggested that replication of these particular findings by Cross and Tracy is certainly in order.⁷

The relationship between I-level and ethnic status is particularly interesting. Stronger than either of the other two-factor relationships among the design variables, it indicates that a significantly greater proportion of non-whites than of whites are diagnosed at the I_3 level while the reverse is true for the I_4 neurotic level (but not the non-neurotic level). Although Zaidel found this relationship to be largely explainable on the basis of measured verbal intelligence, the intelligence/I-level association found in the present study does not seem large enough to account for it. Furthermore, although Cross and Tracy found that blacks and whites within their study sample did not differ significantly with respect to intelligence, they did differ markedly with respect to I-level. Thus, although the importance of intelligence to the well-documented I-level/ethnic status relationship has not yet been definitively determined, there is reason to believe that its role is less than a dominant one.

It seems quite clear that intelligence is a component of I-level. All five studies which have considered this factor have found positive though varying correlations between the two. Moreover, with the exception of the findings of Beverly, this relationship has been at least as strong as those found between I-level and any personality variables considered. It seems reasonable that intelligence may affect the extent to which persons are able to perceive accurately and react effectively to individual differences in the needs, motives, values, and styles of verbal as well as non-verbal expressions of others. Since these latter qualities of interpersonal functioning undoubtedly help determine the nature of interpersonal relations developed by an individual (and perhaps also the extent of growth-conducive social opportunities available to him), a moderate correlation between I-level and intelligence is understandable. It seems appropriate that future developments of I-level theory give more attention to implications of the linkage for questions of treatment planning, methods of maturity-level assessment, and developmental theory. The work of Miller (1972) represents a serious step in this direction.

Summary

This investigation evaluated the relationship of Warren's interpersonal maturity (I-level) system of developmental stages to a statistical typology of 934 delinquents which was derived from configural characteristics of cluster scores on three oblique dimensions of the California Psychological Inventory. CPI cluster analysis and the evaluation of the I-level/CPI typology relationship were both carried out separately for white and non-white sub-samples. The significant I-level/CPI typology relationship found, though consistent with theoretical expectations, was small. As expected, no differences were found between whites and non-whites in terms of the correlates of maturity

⁷ From their analyses Cross and Tracy reach some interesting conclusions regarding personality differences between interpersonally mature blacks and whites. As their sample contained but two black I_4 s, such contrasts are hardly justified.

INTERPERSONAL MATURITY AMONG DELINQUENTS

diagnosis. The relationship of I-level to non-verbal intelligence was also evaluated and some general implications of this association for both the construct of interpersonal maturity and the issue of ethnic group differences in I-level distribution were considered.

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REMEASURING DELINQUENCY: A REPLICATION AND CRITIQUE

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ALMOST a decade ago Thorsten Sellin and Marvin Wolfgang published *The Measurement of Delinquency* (1964). As the end result of a complex procedure, they developed a scale of the seriousness of various delinquent and criminal activities which could be used easily by police and social scientists to weigh offences and thus obtain a clearer picture of crime and criminality. Our recent attempt to replicate and employ the Sellin and Wolfgang procedures has uncovered serious problems with the scale and called its validity into question.¹

Practically, the scale presents a potentially powerful tool to measure the amount of crime and its fluctuations in a meaningful way. It enables the investigator to gauge the seriousness of an individual's criminality with much more sophistication than merely totalling the number of acts. Lastly, the scale presents the possibility for cross-cultural research both into the amount of crime and into its meaning in various settings through replication of the scale itself. The scale has in fact been replicated in Canada by Akman and Normandeau (1967); ongoing research is under way in Britain and South Africa; it has been used in studying a New Jersey prison; and studies are projected for the southern United States and the Netherlands.² Martin Gold (1970) has utilised the scale in studying undetected delinquent behaviour. In addition, it seems a natural resource for current work on social indicators.

Theoretically, the findings of Sellin and Wolfgang have important, if relatively unexplored, implications. They suggest that there is overwhelming consensus within not only the United States but perhaps all Western countries, across various class, age, and occupational lines, concerning the relative seriousness of various criminal activities. If valid, this suggests impressive evidence of an almost Parsonian normative integration in modern Western societies. Further, the scale presumes, and apparently substantiates, the unidimensionality of criminal and delinquent offences, thus lending support to treating crime as a single category in social investigation, rather than a somewhat arbitrary conceptual conglomerate. It is this presumption of the unidimensionality of "seriousness" and the ability of this dimension to describe the relative positions of various deviant activities which is most called into question by our analysis of Sellin and Wolfgang and in our replication.

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We are indebted to Marvin Wolfgang, Eugene Galanter, Robert Figlio, Andre Normandeau and Terence Thornberry for their comments on an earlier version of this paper.

¹ An earlier critique, based on different grounds, was published in the *British Journal of Criminology* (Rose, 1967) and a rejoinder followed which effectively rebuffed the criticisms (Akman, Figlio and Normandeau, 1967).

² These studies were cited in an article by Akman, Figlio, and Normandeau (1967).

The Sellin/Wolfgang Scale

Using the base research by Stevens (1956) and Stevens and Galanter (1957) on individual perception of various stimuli, Sellin and Wolfgang showed that the seriousness of crime could be measured on a ratio scale by individuals more effectively than on a category (interval) scale. Stevens had compared several forms of ratio scaling techniques and derived a technique which utilises a standard score (10). The standard score is given to an item (say, for example, theft of \$50). All other items are judged in relation to the standard. If the item is twice as serious (loud, etc.) as the standard, the respondent gives this item a score of 20 (called a magnitude estimation score). If one-half as serious, a score of 5 is given, and so forth. No limits are set as to how serious (*i.e.* from 0.00000001 to 1,000,000,000) an item could be scored. A major problem of the method of magnitude estimation is that it *assumes* the observer can make the quantitative estimations: "It is idle to assume that *all* people can do so" (Stevens, 1956, p. 98). We would add that it is idle to assume that all people can do so and still maintain a ratio scale.

Two problems thus present themselves—the assumption of quantitative estimation and the question of consensus. If people do not have consensus with regard to the seriousness of crime, then an ordinal scale will not develop, let alone a ratio scale!

In developing their scale, Sellin and Wolfgang began with 141 "offence descriptions" which reflected various simple events, such as theft of money from an unlocked building, and compound events, such as breaking into a building, injuring an occupant with a weapon, and stealing money. They presented these descriptions to various groups and asked each respondent to assign a "magnitude estimation score" reflecting the "seriousness" of each described offence in relation to the standard score to judge the relative seriousness of the offence. The groups of respondents were comprised of policemen, juvenile court judges, and university students. The identities of the offenders and the victims were varied for these respondents, or judges. The authors were then able to factor the responses in terms of the various offences contained in compound events and in terms of the identities of offenders and victims. For instance, they were able to isolate the score for breaking and entering and determine that it was consistent regardless of limited variation in the identity of the offender or victim.³

As a result of this factoring, they reduced the number of the offence descriptions and omitted the identities of offender and victim. In addition, they concluded that there was no significant variation among the respondent groups—policemen, judges and students—in scoring the offences. This agreement was not found to be in the absolute magnitude scores which the respondents gave, but in the ratios between the scores for different offences.

The most strongly supported conclusion on the basis of the data at hand is that the raters, although unconstrained in their use of magnitude scale assignments, tended to so assign the magnitude estimations that the seriousness

³ This seems to contradict a study by Smigel (1957) on the relation of seriousness of offence and the size of the victim organisation, yet Sellin and Wolfgang did not investigate this dimension (although the number of dimensions they did investigate is astounding).

REMEASURING DELINQUENCY: A REPLICATION AND CRITIQUE

of the crimes is evaluated in a similar way, without significant differences by all the groups. The age of the offender does not particularly colour a person's judgment about the seriousness of the offence. *A pervasive social agreement about what is serious and what is not appears to emerge* and this agreement transcends simple qualitative concordance; it extends to the estimated numerical degrees of seriousness of these offences.

Because of the inherent ratio quality of the magnitude judgments, the particular numbers used by the raters are not especially relevant; rather it is the ratios of the offence seriousness that are preserved intact. Thus a particular offence may be judged to have seriousness 20 by a police officer and seriousness 2 by a university student. What this means is that, if the police officers judge another offence as twice as serious and therefore call it 40, then the university students when judging the same offence will call it 4. It is the ratios of the offence that remain constant from one class of raters to another. (Sellin and Wolfgang, 1964, p. 268.)

Since they found that there was agreement among various groups, and since the identities of offender and victim were not relevant, Sellin and

TABLE I
Offence Scores Derived from Magnitude Scale Values in Last Stage of Testing (Sellin and Wolfgang, 1964, p. 289)

Offence item	Mean magnitude scale values	Scores (Scale values/16.93, adjusted)
¹ Larceny \$1	16.93	1
Larceny \$5	22.09	1
Larceny \$20	27.77	2
Larceny \$50	32.31	2
Larceny \$1,000	52.99	3
Larceny \$5,000	69.13	4
² Burglary \$5	40.62	2
³ Robbery \$5 (no weapon)	52.25	3
⁴ Robbery \$5 (weapon)	86.33	5
Assault (death)	449.20	26
Assault (hospitalised)	115.60	7
Assault (treated and discharged)	69.32	4
Assault (minor)	22.50	1
⁵ Rape (forcible)	186.30	11
Auto theft (no damage)	27.19	2
⁶ Forcible entry	18.53	1
⁷ Intimidation (verbal)	30.15	2
⁸ Intimidation (weapon)	64.24	4

¹ Derived from analysis of money values.

² Burglary \$5 has a score of 2, which includes a score of 1 for the money value and a score of 1 for the forcible entry.

³ Robbery \$5 (no weapon) has a score of 3, which includes a score of 1 for the money value and a score of 2 for verbal intimidation.

⁴ Robbery \$5 (weapon) has a score of 5, which includes a score of 1 for the money value and a score of 4 for intimidation with a weapon.

⁵ Rape (forcible) has a minimal score of 11, which includes a basic score of 8 for the forced sex act, a score of 2 for the minimal intimidation (verbal), and a score of 1 for the minimal physical injury (minor).

⁶ The score for forcible entry (18.53) may be seen as the result of larceny \$5 (22.09) subtracted from burglary \$5 (40.62), divided by 16.93.

⁷ The score for intimidation (verbal) (30.15) may be seen as the result of larceny \$5 (22.09) subtracted from robbery \$5 (no weapon) (52.25), divided by 16.93.

⁸ The score for intimidation (weapon) (86.33) may be seen as the result of larceny \$5 (22.09) subtracted from robbery \$5 (weapon) (86.33), divided by 16.93.

Wolfgang were able to derive their final scale using twenty descriptions of offences and a single group of judges. The judges employed were 105 male students in introductory sociology classes at the University of Pennsylvania, Ogontz campus.⁴

Table 1 indicates the final scale which resulted from using thirteen of the twenty offences listed in the questionnaires. The mean magnitude scale values were derived by using the geometric mean (because Sellin and Wolfgang were dealing with "ratio" data). The final scores were arrived at by dividing all scores by the lowest score (larceny \$1) which was given a value of 1.

In other words, on this table, larceny of \$50 is twice as serious as a larceny of \$5 or \$1 and one-half as serious as a larceny of \$5,000. If such a scale is valid (its reliability can be attested by referring to Normandeau, 1966) then the scale can be used with assurance by many who have a need for a scale of offence seriousness. The essential problem with the scale is that it is *not* a valid ratio scale because it fails to meet a test of internal validity. While Sellin and Wolfgang stated "It is the ratios of offences that remains constant from one class of raters to another" (1964 p. 268), the ratios of offences are far from constant from one individual to another. It appears that Sellin and Wolfgang fell into the ecological fallacy (Robinson, 1950). Average scores are just that—*average* scores. Checking consistency between averages as Sellin and Wolfgang did when checking consistency *between groups* of raters was not a check on the validity of their data.

How did Sellin and Wolfgang check the internal consistency of their scale? They used three different methods. (1) They eliminated those who misunderstood the task or had missing data; (2) on the larceny offences they eliminated those groups which assigned higher scores to lower dollar amounts. On the assault offences they eliminated those who gave a higher score to a lower amount of injury. On this basis, "of the nearly 100 interrelationships for which consistency was examined, the police had 28 and the Ogontz students 10 inconsistencies. In most of these situations the rating differentials were indeed slight but we counted only the presence or absence of a paradox On the basis of the large number of raters and of fewest inconsistencies the Ogontz group was selected for additional analysis" (1964, p. 276). One wonders whether the University of Pennsylvania students (Ogontz) were chosen because they understood the task more or because they were more educated. (3) The scale was "validated" in the end by checking consistency *between* the groups. Instead of directly checking the ratios, Sellin and Wolfgang put their comparisons on log-log tables (1964, pp. 264–268), compressing the differences between groups. They were fooled by their own data. Regression lines are different from ratios. In a *true* ratio scale *no* divergence is allowable. In a case similar to psychophysics one could understand even a 0.2 or 0.3 divergence but not a whole ratio.⁵

⁴ For convenience, this will be referred to as the Philadelphia group or sample when making comparisons.

⁵ In a true ratio scale no divergence is permissible. It does not represent an *average* ratio, but an actual one. On a Kelvin ratio temperature scale 50° is twice as hot as 25°. In actual practice, of course, error in measurement, etc. makes some divergence understandable. If, however, we obtained a reading of 75° rather than 50°, it simply could not be accepted as a variation on the ratio 2 : 1. In this case, either the scale or the instrument would have to be discarded.

REMEASURING DELINQUENCY: A REPLICATION AND CRITIQUE

An example should help clarify what we mean. Let us compare three offences which Sellin and Wolfgang (1964, pp. 382-383) used:

Assault (treated and discharged)

Offence 32. The offender stabs a victim with a knife. The victim is treated by a physician but requires no further treatment.

Burglary \$5—two types: residence and store

Offence 39. The offender breaks into a residence, forces open a cash box, and steals \$5.

Offence 43. The offender breaks into department store, forces open a cash register, and steals \$5.

We can readily see in Table 2 that the ratio of offence 32 to offence 39 or 43 is not 2 as would be expected for either group using the ratios from Table 1. The police see the ratio as *less than* the mean magnitude scale score ratio (0.44 and 1.03), whereas the students see the ratio as *greater than* the mean magnitude scale score ratio (3.38 and 4.10)—this is by comparing the ratios with 1.7 or 2. Students (or we should say an average student) see offence 32 as three times more serious than offence 39 while the average policeman sees offence 32 as less than half as serious as offence 39! The question arises—what would happen if we looked at each student and each policeman rather than the average?

If we take Sellin and Wolfgang at their word, *i.e.* "It is the ratios of the offense that remain constant from one class of raters to another" (1964, p. 268), then we see they should have rejected their scale as a true ratio scale by simply checking ratios.

TABLE 2

*Comparison of Police Ratios and Ogontz Student Ratios for Three Offences**
(Column divided by row)

POLICE					OGONTZ						
Offence No.					Offence No.						
323943					323943						
Score:					Score:						
Offence	No.	Score	74.8	169.5	72.72	Offence	No.	Score	65.11	19.24	15.87
	32	74.8	—	2.27	0.97		32	65.4	—	0.3	0.24
	39	169.5	0.44	—	0.43		39	19.24	3.38	—	0.82
	43	72.72	1.03	2.33	—		43	15.87	4.10	1.21	—

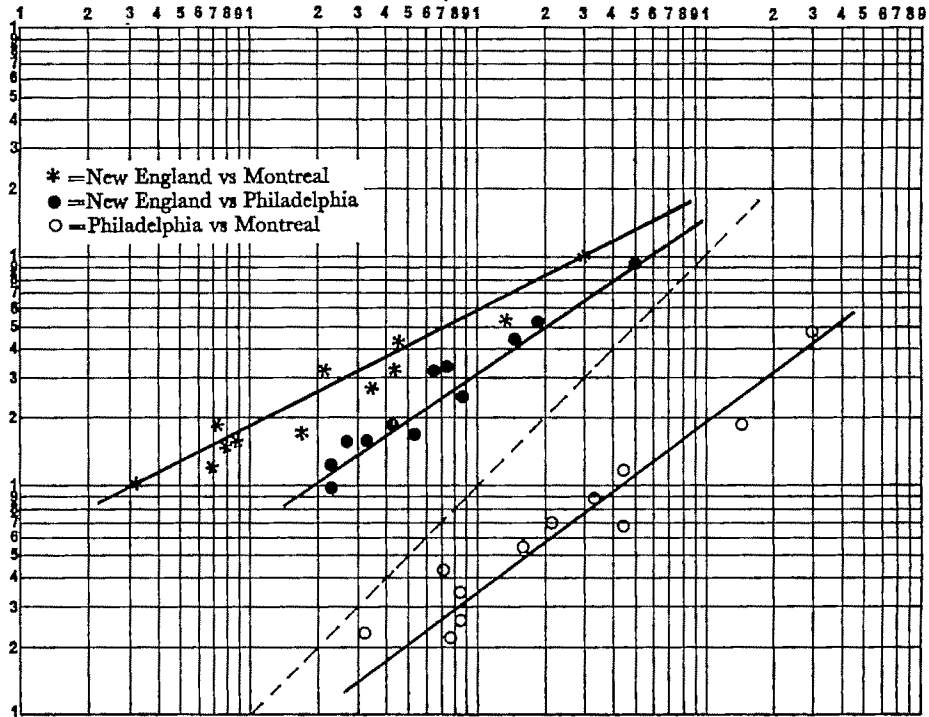
* Source: Sellin and Wolfgang (1964, p. 393).

A second inconsistency in the table is the comparison between burglary of a residence (39) and burglary of a department store (43).⁶ Both groups feel that burglary of a residence is more serious than burglary of a department store although police feel this more strongly. Sellin and Wolfgang apparently saw little significant difference and combined the two offences into one. The students appear to be within fairly acceptable range for equality of 39 and 43 as the mean magnitude scale score would have us do. One segment of the

⁶ Further information on theft in relation to size of victim organisation is dealt with by Erwin Smigel (1956).

FIGURE 1

*Comparison of Selected Offences judged by New England, Philadelphia, and Montreal Students :
(Geometric Means plotted on Log-Log Co-ordinates)
(Values displaced on Abscissa)*



population feels otherwise—an important segment at that—those policemen who would have to assign a scale value of 1 to burglary of a residence instead of the 2 they think it should be.

This brief examination of Sellin and Wolfgang's procedures and findings raises severe questions about their contention that: "In accord with the best work in psychophysics, we are asserting that empirically these scores constitute a ratio scale and that the numbers represent the degree of seriousness attributed to certain properties of delinquent events" (1964, p. 291). Perhaps the issue is more basic. We are contending that the Stevens type scale is *not* a valid ratio scale because of the failure to check internal consistency. We would agree with Sellin and Wolfgang when they say: "The question is, of course, whether such an operation is theoretically admissible. Psychologists are not agreed about the interpretation of the magnitude scale as a ratio scale. Adequate theory to support its use as a ratio scale is lacking." (1964, pp. 341-342).

*Replication*⁷

At several universities in New England 563 students (hereafter called the U. Mass data) were administered a questionnaire similar to the Sellin and Wolfgang seriousness of offence questionnaire. The wording of offences and instructions was almost exactly alike with three exceptions. (1) The standard violation used was "An offender prowls in the backyard of a private residence"—this was given a score of 10. This variation should not be too serious because the ratios should be the same between offences. (2) Offences were worded the same except that homicide was changed to, "An offender intentionally inflicts injury on a victim. The victim dies from the injury." Sellin and Wolfgang had not included the word "intentionally" (1964, pp. 397-398). (3) The offences were not limited to one per page. They were randomly assigned to the page and the standard violation was repeated on each page.⁸ Five hundred and ten cases were used after 53 cases were discarded because of missing data or clear misunderstanding of the task (*e.g.* all scores below 10).

Table 3 illustrates the similarity of our final geometric means with those of Wolfgang and Sellin and those of Normandeau. There appears to be some semblance of an ordinal scale, but not a clear one. There is the possibility that when individuals are told to compare an offence with a standard they forget inter-offence comparisons. If we change standards, we may also change the numbers used and therefore the ratios between offences.

TABLE 3

Mean Magnitude Scale Values for 12 Offences Comparing Sellin and Wolfgang (Philadelphia), Normandeau (Montreal) and Univ. of Mass.

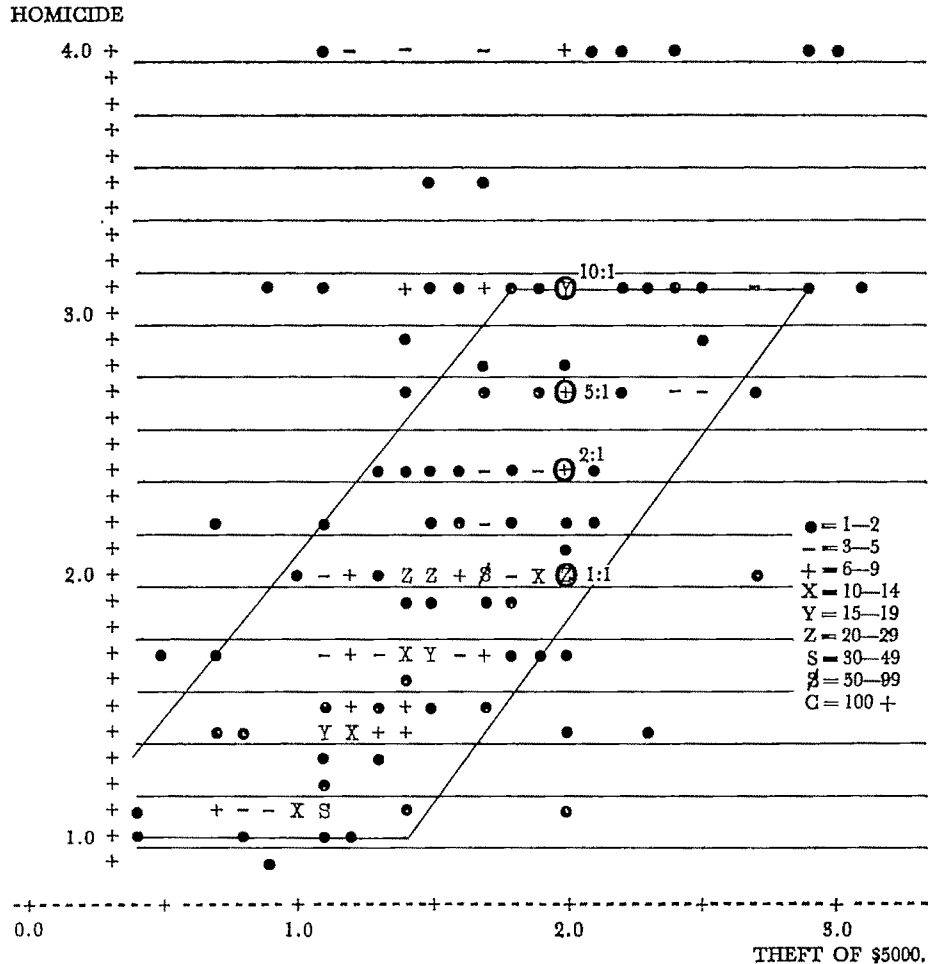
Offences	Philadelphia		Montreal		U. Mass.	
	Rank	Mean score	Rank	Mean score	Rank	Mean score
Larceny \$5	1	22.09	1	3.18	1	8.83
Assault (minor)	2	22.5	2	6.69	2	12.07
Auto theft	3	27.19	5	8.65	4	15.29
Larceny \$50	4	32.31	4	8.15	3	15.18
Burglary \$5	5	40.62	3	7.21	6	17.88
Robbery \$5 (no weapon)	6	52.25	6	16.7	5	17.47
Larceny \$5,000	7	69.13	9	43.95	9	32.73
Assault (treated and discharged)	8	69.32	7	21.0	8	32.36
Robbery \$5 (weapon)	9	86.33	8	35.3	7	26.00
Assault (hospitalised)	10	115.6	10	47.7	10	43.28
Rape	11	186.3	11	139.00	11	52.54
Homicide	12	449.2	12	291.00	12	97.26

According to Sellin and Wolfgang (1964, pp. 322-323), if their findings concerning the consistency of ratios are correct, "the scale values for offenses would be represented by (1) a slope not significantly different from those in our study, or minimally (2) a straight line" when the scores of one group are plotted against those of another group. Normandeau demonstrated that, at least for Canadian students, the first expectation is over-stated. The slope

⁷ This research was conducted under the guidance of Roland Chilton at the University of Massachusetts.

⁸ These changes were made on the basis of a pretest with 81 students. The instructions were also slightly changed to cope with apparent misunderstanding of the task in the pretest.

FIGURE 2
Comparison of judgments of New England Students on Theft of \$5000 and Homicide:
Plot of Logarithmic Values.
Plot of Homicide VS Theft of \$5000. (condensed)



actually varies somewhat with the Montreal data, and it varied somewhat with our data.

Normandeau's work has confirmed the hypothesis that a straight-line relationship will pertain between various groups, so that a fixed variation in one group's ratios will reflect a fixed variation in another group's. Figure 1 plots our scores against, first, the scores of Sellin and Wolfgang and, second, the scores found by Normandeau in Montreal. These two groups are then plotted against each other. The dotted line represents a slope of 1. If the ratios of the groups were the same, their plotted slopes should parallel the dotted line. It is clear that, although the slope does vary somewhat, the basic

straight-line shape remains present. This means that there is a fixed relationship between the scores of the groups, although the relationship is not 1:1. Despite this, the consistency and consensus suggested by the data are impressive.

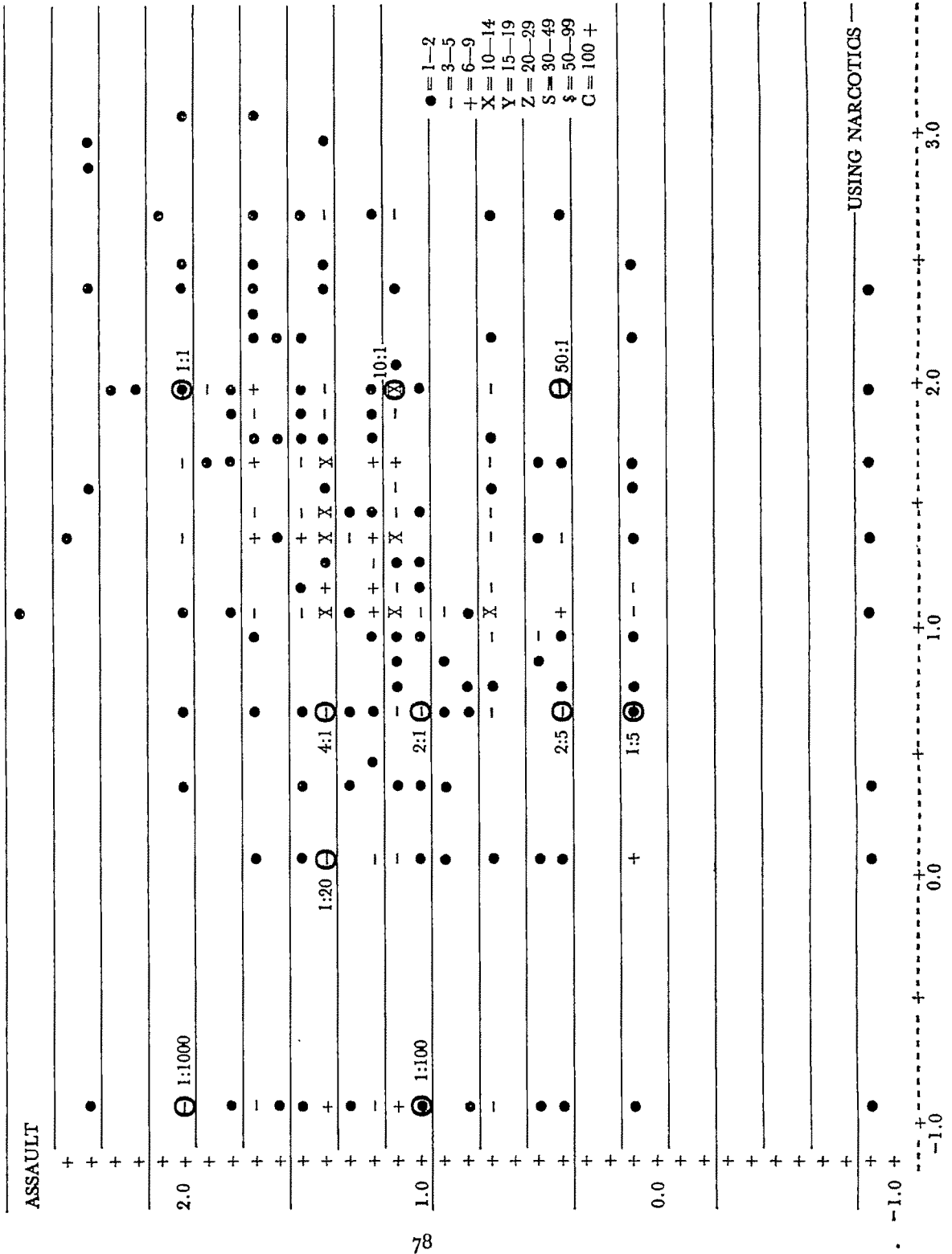
In examining the internal consistency of the judges' scoring, however, serious questions are raised about the validity, as opposed to the reliability, of the Sellin and Wolfgang procedure. Despite the fact that our data show the expected shape and similar slope among groups, no such consistency is apparent among the individual judges. Plotting the individual logarithmic scores of judges for two selected offences fails to display impressive consistency of ratios. In Figure 2 we show a plot of homicide versus theft of \$5,000. This should show a straight line. Excluding the 10 per cent. of the cases with extreme ratios, the ratios will range from 1:1 to 10:1. This means that we are including as consensual individuals who, if they gave a score of 10 for theft of five thousand dollars, gave scores ranging from 10 to 100 for homicide. By excluding 61.2 per cent. of the cases we could lower the range of ratios to from 2:1 to 5:1, but not only would this reduce our "consensus" to below 40 per cent., but it would still present us with a surprising range of ratios. The ratio of the geometric means of these two offences, represented in Figure 1, is 3:1, but it is difficult to contend that this ratio represents anything like a consensus among the judges.

The same pattern pertains, often with much more range among ratios, throughout all the possible pairs. Excluding 13-14 per cent. of the cases, the ratios for homicide versus assault resulting in hospitalisation range from 1:1 to 10:1. And in certain notable cases, a significant number of judges even seemed to disagree about the ranking of the offences. When comparing theft of \$5,000 with rape, 18.82 per cent. saw theft of \$5,000 as more serious than forcible rape, 16.86 per cent. saw the ratio as 1:1, and 64.32 per cent. saw rape greater than theft of \$5,000. With this lack of definite internal consistency, the validity of the scale itself is open to question.

Returning to the geometric means for the offences, we direct attention to the actual ratios involved rather than the shape or slope of the graph. The ratio between geometric means for homicide and theft of \$5,000 we have noted to be 3:1. In Sellin and Wolfgang the same comparison comes to 6.5:1, and in Normandeau's replication, 6.6:1. For homicide versus assault resulting in hospitalisation, we found a ratio of 2.25:1, Sellin and Wolfgang found 3.89:1, and Normandeau found 6.1:1. These variations, however, are not readily apparent in the resulting graphic representation in Figure 1, thus making it easy to interpret the presentation as reflecting consensus as Wolfgang *et al.* did in their analyses.

If the above findings are correct, the ratio scale is questionable. In fact, we may begin to question the ordinality of the scale as well. The above offences are relatively clear cut. In the replication study, maximum scatter was found in comparing assault against using narcotics. The ratios ranged from 1:20 to 50:1 if we include 90 per cent. and from 2:5 to 50:1 if we include 85 per cent. of the sample. These results apparently occurred because of a lack

FIGURE 3
Comparison of judgments of New England Students on Assault and using Narcotics: Plot of Logarithmic Values.
Plot of Assault VS using Narcotics



of consensus on the seriousness of using narcotics.⁹ Both possession and sale showed similar results. With offences such as narcotics, gambling, other victimless crimes, and white-collar crimes, it is doubtful whether a scale can be developed of *any* sort, be it ordinal or ratio. We have to fit our scales to the data and not *vice versa*. The data are either inherently scalable or not. We either realise this or practise our scaling with futility.

The crucial problem seems to be the technique of scaling itself. The graphic format used in Figure 1 is heavily utilised by Sellin and Wolfgang, and comprises Normandeau's central argument. But the graph actually plots the logarithms of the geometric means (which themselves are developed from the logs of the respondents' scores), with the result that large actual variations appear as minor ones, thus creating an impression of order. The same conclusions pertain to the initial research by Sellin and Wolfgang which resulted in dismissing the identity of the offender and the victim as important variables.

Discussion

Too much scatter exists in the individual ratios to say that we have a ratio scale. To hide this scatter by using measures of central tendency tells us nothing about the dispersion. The crucial question becomes this: is seriousness of offence scalable to all? It is neither a ratio scale nor an interval scale using the Stevens technique. There appears to be a belief that seriousness of offence is at least an ordinal scale, yet even this is questionable in some offence comparisons.

It may well be that the lack of consensus which we have found is simply a lack of consensus about the meaning, or criteria, of "seriousness." What indeed does "seriousness" mean? In the case of narcotics use we might hypothesise that it reflects moral values. But it might also reflect the amount of perceived harm which the user does to himself, or to society, by using drugs or perhaps by his stereotypic life-style and/or activities such as stealing to maintain his habit. Even if it reflects moral values, does the seriousness score for theft or assault reflect moral values, or is the seriousness of those offences a reflection of other factors? Do different people use different stereotypes when gauging the seriousness of offences? Lack of consensus might simply reflect lack of consensus about these stereotypes, and the respondents might well be scoring different events. In this case seriousness will mean different things to different people.

Questions must also be raised concerning the general lack of attention to the identity of the offender, the victim, and the general social setting of the offence which is apparent in much literature. The Sellin and Wolfgang findings have lent weight to the common practice of ignoring these variables in research up to and including self-report studies of deviant behaviour. In an otherwise exemplary article, for instance, Erikson and Empey (1963) compare adjudicated and unadjudicated delinquents on the basis of frequencies, without attention to the multitude of circumstances differentiating

⁹ Given the fact that a student population was used in the sample the results are not surprising.

those delinquent acts which are perhaps more crucial than volume in determining adjudication. Examination of our data strongly suggests to us the crucial importance of not treating criminal events as unidimensional in relation to definitions of the criminal code.

We would not suggest that the quest for a scale be abandoned, but that it be approached with greater sensitivity to complexity. It does not seem likely to us that a simple unidimensional scale is feasible, but there is also no question in our minds that the development of a sensitive tool doing what Sellin and Wolfgang hoped to be able to do would be tremendously valuable. Equally important, the quest for such a scale or tool should be extremely valuable in illuminating the relationship between the criminal justice system and the larger social context.

Summary

Almost ten years ago Sellin and Wolfgang wrote *The Measurement of Delinquency*. Since then the ratio scale they composed in the book has been used by criminologists in studying delinquency and its causes. The scale was replicated using a sample of 563 students at several universities in New England. In the process of replication several major deficiencies were found in the scale itself. Internal consistency of the scale was determined by comparisons of gross statistics between groups of raters rather than by comparison of the ratios themselves. Also, it appears questionable whether "seriousness" is scalable at all and, if it is scalable, whether it is a unidimensional phenomenon.

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NOTES

BAIL PROCEDURES IN MAGISTRATES' COURTS

Report of the Working Party

I. TO BAIL OR NOT TO BAIL?

KEITH BOTTOMLEY

INITIAL reaction to any report of an official committee or government working party is inevitably influenced by speculation as to the likelihood of the recommendations being implemented, and sometimes such practical or political considerations may seem to be as important as a more detached assessment of the report's contribution to a particular debate. Thus, the report of the working party on *Bail Procedures in Magistrates' Courts* has a certain moderation in its arguments and recommendations which may hopefully come to deserve considerable respect *providing* that most of its proposals are speedily implemented as a further step in the improvement of bail decision-making in England and Wales. Even as it stands, the report is a rare example of an official committee (with its membership drawn mainly from the Magistrates' Association, the Justices' Clerks' Society, the Association of Chief Police Officers and the Home Office) genuinely responding to and reflecting in much of its thinking the accumulated findings of "academic" research into the operation of the bail system, both in America and, more recently, in England. The importance of this response should not be lightly overlooked by the individual reactions of the researchers themselves (including this reviewer) who might feel that some of the recommendations do not go far enough in particular directions.

From the very start of its deliberations, it seems, the working party interpreted its entirely neutral terms of reference, *viz.* "to review practice and procedure in magistrates' courts relating to the grant or refusal of bail and to make recommendations," in a much more positive way, as is shown in the Introduction to the report (§ 6)—"*Our main aim has been to consider means of enabling courts to release more persons on bail* [emphasis added]. . . . This objective is desirable both in the interests of the defendant himself and in order to reduce the pressure on the prisons, which is particularly severe in those establishments which receive prisoners on remand." This positive approach is particularly commendable in view of the statistics which are presented in the report, showing that there has, in fact, been a steady *increase* in recent years in the proportions of persons granted bail, both in cases tried summarily and in committals for trial, so that approximately 80 *per cent. of all defendants* who are remanded or committed for trial *are released on bail*. These *bail statistics*, particularly those relating to persons dealt with in magistrates' courts, have not been given the attention which their publication deserves—not so much with respect to the factual situation they describe, encouraging though this may be, but with respect to the fact that such statistics are now collected by the Home Office Statistical Department and ought to be regularly published, as being of crucial importance for monitoring any changes in bail decision-making which might be introduced. The fact is that until these statistics appeared in the

report (together with the simultaneous publication of the Home Office Research Unit's report on *The Use of Bail and Custody by London Magistrates' Courts Before and After the Criminal Justice Act 1967*) the only published statistics of a comprehensive nature available to anyone attempting to assess the changing situation were those in the Annual Reports on the Work of the Prison Department, which have shown a fairly consistent annual *increase in the number of untried prisoners* over recent years, reaching the record total of 44,500 prison receptions in 1972 (*i.e.* 40 per cent. of *all* receptions). No kind of informed debate or assessment of changes in the penal or criminal justice system is possible on a continuing basis when crucial data of this kind are not made publicly available as a matter of routine. Basic statistics of this kind are as important as and, in this instance, more easily made available than the statistics on bail abscondings or the virtually impossible statistic of offences committed on bail, which the working party also suggest are very necessary.

The central chapters of the report discuss the criteria and procedure for determining bail applications in magistrates' courts, and outline a major recommendation for the provision of information to the court on a special bail information sheet, to be used primarily in those cases where the police intend to oppose bail. The discussion here is generally very clear and sensible, reflecting not only the influence of the legal approach with its traditional "presumption of innocence" but also the more practical concerns characteristic of the day-to-day work of magistrates and police officers; an important new principle is spelled out, whereby there should be a "*presumption in relation to bail in favour of the defendant*," so that it should not be left for the defendant to make a positive application for bail but rather the onus should always be clearly on showing grounds why bail should *not* be granted, with reasons always being given whenever bail is refused. Unfortunately, however, principles may not always be directly translated into practice, and, therefore, in this particular respect, much remains to be seen; a small crumb of comfort may be gained from the tentative indications in the Home Office Research Unit's study of the effects of the bail provisions introduced by the 1967 Criminal Justice Act that the subsequent increase in the proportion of persons released on bail in London courts was due more to the indirect "halo" effect of the climate of opinion surrounding the Act upon the courts' approach to bail decisions in general, rather than to the specific operation of the relevant provisions themselves. Similarly, perhaps, if this new presumption in favour of bail were to be accepted by magistrates as a working principle, this very acceptance might itself be a crucial *symptom* of (rather than a direct *mechanism* for implementing) a new approach.

One of the main practical recommendations was for the introduction of a standardised bail information sheet in cases where there is likely to be police opposition to bail; this would provide the court with basic information about the defendant's personal situation, residence and employment record, thus ensuring that relevant "community ties" information was known in the case of every defendant who might be remanded in custody and not (as is so often the case now) only where the defendant has the added advantage of legal representation. A secondary purpose served by this proposed innovation would be to emphasise the independence of the bail/custody decision taken by magistrates which "should

NOTES

be clearly seen as the responsibility of the court alone " and not be unduly affected by police recommendations at remand hearings, which so frequently appear to coincide with the final decision of the bench, providing ready fuel for those who wish to see tacit collusion between police and magistrates in this early stage of the criminal justice process, so vital for each individual defendant. Paradoxically, in fact, one of the main criticisms that can be levelled at the working party is its apparent complacency about the significance of what happens to an arrested person in the period immediately preceding his first appearance in court; although a consideration of police bail procedure was strictly outside its terms of reference, the working party felt confident that the police would generally follow the spirit of whatever might be recommended for magistrates' bail decisions, but such confidence is unlikely to be shared by all. More specifically, they under-rate the importance of legal advice and representation being available to a defendant *prior* to first appearance in court, although research findings and common sense equally confirm that the whole direction and handling of a case can be vitally affected, for better or worse, by what immediately precedes and follows the very first court appearance; it would seem clear that the potential role of a " duty solicitor " in this respect could and should have been given more wholehearted support by the working party.

Throughout the report there is an awareness of what could be seen as the central " penal dilemma "—the need to balance the interests of the individual citizen accused of crime against the interests of the wider community he is alleged to have harmed; in the pre-trial context, these community interests are primarily the need for the defendant to stand trial at the proper time and, more debatably, the need to protect the community from further offences, if this seems a likely result of releasing the defendant on bail at that time. As indicated earlier in this Note, the working party hoped that as a result of its recommendations even more people might be released on bail, with no increased risk to the community, but it was more concerned with the establishment of improved procedures for bail decisions—" our recommendations are designed to help courts make this difficult selection on a more informed and systematic basis than at present . . . we do not believe that the stage has yet been reached where those remanded in custody form an irreducible minimum, none of whom could safely be released on bail " (§ 7); and again, in a later section, where they address themselves to the question of whether more people should be granted bail, they reiterate sentiments which seem a fair summary of the tone and achievement of this report: " It seems to us unprofitable, however, to discuss in general terms whether more or fewer persons should be granted bail. Each case has to be considered individually. What is important is to provide procedures which will ensure that it is considered fully, in accordance with appropriate criteria and in the light of all the relevant information " (§ 81).

II. SOME CRITICAL COMMENTS

SUSANNE DELL

THE pressure for reforming the bail system has been building up during the last ten years. Official complacency and defensiveness on the subject have been gradually undermined by the factual evidence amassed by Michael Zander, Keith Bottomley, and the Cobden Trust. This report demonstrates that those who run the magistrates' courts—police, magistrates, justices' clerks—have at last been persuaded that changes are necessary. Having studied the evidence, the working party whole-heartedly accepts the need for reform.

The most important question raised by the report is: how are the recommended reforms to be implemented? Curiously, the working party itself avoids the question almost entirely. The exceptions are the few instances in which it calls for legislative action. The most important of these is the proposal to enact a general presumption in favour of bail, *i.e.* a statutory provision to the effect that bail should be granted to the untried defendant, unless the court is satisfied that there are sufficient reasons for refusing it. As a corollary to this, it is also recommended that there should be a statutory duty on the courts to give their reasons when they refuse bail. But, in the main, the reforms proposed in the report are not linked to suggestions of legislation; the authors simply recommend that they should occur.

There is, for example, the section dealing with the reasons that may be used to justify the denial of bail, such as the risk of further offences being committed, of witnesses being interfered with, and of the need for the police to make "further inquiries." The report recommends that courts should not simply accept statements from the police on these matters, but should question the police closely about the situation (§ 75). Magistrates should not accept "possible interference with witnesses" as a reason for denying bail, except when "the alleged offence is comparatively serious *and* there is some other indication, such as a past record of violence or threatening behaviour by the defendant" (§ 69). The problem is—how is excellent advice of this nature to be turned into real everyday practice? The fact that a distinguished working party recommends magistrates to adopt certain standards does not ensure that these standards will be adopted. We have only to look at the fate of the Widgery Report on Legal Aid¹ as an example. In 1966, the Widgery Committee recommended that, subject to means, magistrates should give legal aid to defendants who were in real danger of losing their liberty. Six years later a sample survey in 16 magistrates' courts showed that over 80 per cent. of the defendants given custodial sentences were unrepresented.² The publication of good advice is obviously not enough. Nor can official circulars be relied upon as an alternative. Circulars were issued in 1968 to magistrates' courts, advising them to consider social inquiry reports before they gave an offender a first custodial sentence. Two years later, a survey showed that more than half the men receiving a first prison sentence at the hands of magistrates were imprisoned without reports having been considered.³ Clearly, bringing the standards of the working party into the lower courts will not be an easy task.

¹ *Legal Aid in Criminal Proceedings*, Cmnd. 2934, 1966, H.M.S.O.

² Michael Zander, *New Law Journal*, November 23, 1972.

³ *Hansard*, Commons, Vol. 842, Col. 360.

The report rightly says that the effective operation of the bail system depends on "good practice and appropriate attitudes." But what *are* the best methods of bringing about rapid changes in prevailing attitudes and practices, and making the presumption in favour of bail a reality? Education, publicity, and circulars all have a role to play, but legislation and rules of court may be the most effective weapons available.

However warmly they may welcome the general trend of the report, readers will inevitably find points of disagreement or disappointment. Space allows me to refer only to four.

The first concerns the recommendation that the personal recognisance system should be abolished, and that instead there should be created the new and imprisonable offence of absconding. Maximum sentences for this would be three months and 12 months in the lower and higher courts respectively. The report points out that, when a defendant is bailed only on his own recognisance (without sureties), the worst that can happen to him if he fails to turn up is that he is made to forfeit the recognisance. If he does not pay it, he can eventually be imprisoned in default. If he is also being imprisoned for the substantive offence, any term to be served in lieu of the forfeited recognisance can be made consecutive or concurrent, although in the experience of the working party it is often made concurrent (§ 97). For these reasons, the working party regards the system of personal recognisances as largely ineffective, and believes that "it would be a more effective deterrent to absconding if it were a criminal offence for a person to fail to answer his bail. . . . We can see no reason why courts should not be able to sentence to imprisonment persons who have deliberately sought to avoid taking their trial" (§ 102).

The argument is not strong enough to warrant any change in the law. We do not even know what the non-appearance rate is, among persons bailed on their own recognisances. It is known that about 40 per cent. of bailed defendants are required to find sureties, and the rest are released on their own recognisances; but separate non-appearance rates for the two categories do not exist. Indeed, there is little information at all about absconding, although it is interesting that the working party do not regard the existing rate, in so far as it is known, as unacceptably high (§ 8). The main source of information is Home Office research in London, which in 1969 showed a non-appearance rate of 3 per cent. among those bailed on committal, and of 6 per cent. among those bailed for further hearings before magistrates. A high proportion of those who did not reappear before magistrates—27 per cent.—were charged with nothing more serious than drunkenness. One can imagine that many of these were not "deliberately seeking to avoid taking their trial," but were with no deliberation at all sleeping off the effects of further drinking episodes. Can it be sensible to make their failure to come to court imprisonable, when the drunkenness offence itself is not imprisonable?

Whatever its effect on the petty offender, would making absconding into an imprisonable offence at least deter the more serious offender from non-appearance? There seems no reason to believe so. People fail to appear for many reasons and in many circumstances. Some may genuinely forget, and they will include the drugged as well as the drunk. Some will deliberately disappear and abscond,

but others will remain where they are, mistakenly hoping that by not going to court the threatening event will be persuaded to go away. But an element in the thinking of any person who intentionally fails to reappear, must be a belief—however irrational—that the police will not catch up with them. If a bailed defendant believes that he can evade the police on the charge of which he is accused, he will not be deterred from absconding by the knowledge that this is also an offence.

It thus seems unrealistic to believe that making absconding into an imprisonable offence would be a deterrent. At the most, it might deter some of those charged with non-imprisonable offences. But whilst the proposal lacks any practical advantage, it has a grave disadvantage: it could lead to more people going to prison, and to some going for longer periods. The working party wants absconding to be regarded as a serious matter, and evidently disapproves of the way in which courts at present tend to make sentences in default of payment of recognisances run concurrently instead of consecutively. If a new prison penalty is created in these circumstances, there is a real risk that the courts will use it.

A second disappointment is the section on remands for medical reports. Here is an area where there is very substantial scope for a reduction in the use of custody. Over 12,000 people are sent to prison annually for psychiatric examination, and the vast majority are then released again into the community, being neither imprisoned nor sent to hospital. Many of these prisoners come from stable backgrounds and could, as the working party accepts, be trusted safely enough on bail. Why then are they sent to prison? Several factors are involved. One is that some courts have been slow to utilise other sources of medical advice, such as hospital out-patient clinics and, more recently, prison out-patient facilities. Another factor, the working party suggests, is the uncertainty of magistrates about whether a psychiatric report can in fact be properly prepared without the subject being kept under observation, in custody. Unfortunately, the working party does not tackle this question, contenting itself with saying that it is a matter on which magistrates should have medical advice. The Advisory Council on Young Adult Offenders was less reticent—but then it had the advantage of having an eminent forensic psychiatrist as one of its members. The Council's conclusion was: "We do not consider that the need for a psychiatric report justifies a remand in custody where bail would otherwise be granted."⁴ This precept is no less appropriate to adults than it is to young adults. It is to be hoped that, in accordance with the working party's wishes, magistrates will very soon receive comprehensive advice, presumably in the form of a circular, about the scope for psychiatric examination on bail. It is only the very small number of people suffering from gross mental illness, who need to be kept under residential observation.⁵ For the great majority, as Prof. T. C. N. Gibbens has pointed out⁶ examination on bail is not only suitable, but preferable, for it "offers the advantage that a relative can often be interviewed, and that the offender himself will not have been subjected to advice from other prisoners as to what it is desirable to tell the psychiatrist." As to the question of how the

⁴ *Report of the Advisory Council on the Penal System*, 1974, para. 472.

⁵ See e.g. the Home Office circular to courts, about the use of the prison out-patient facilities.

⁶ Susanne Dell and T. C. N. Gibbens, "Remands of Women Offenders for Medical Reports," *Medicine, Science and the Law*, Vol. 11, No. 3, July 1971.

court should identify the small number of defendants who are too disturbed to be remanded on an out-patient basis, an effective solution is to allow the probation service to interview those for whom a medical remand is proposed. Courts which follow this procedure will not only remand fewer people in custody, but make more effective use of medical remands altogether.⁷

A third disappointment is the report's weakness on the subject of legal aid. Whilst appearing to accept in principle that legal representation is desirable before anyone is remanded in custody, the working party nevertheless says "We do not consider that it would be practicable to require that legal aid should be offered to a person before he is remanded in custody." Yet the duty solicitor system makes legal representation at the first remand hearing perfectly practicable, and the Law Society has now recommended that such a system should be set up on a national basis. It is a great pity that the working party does not endorse this recommendation. There is now widespread acceptance that unrepresented defendants should not be sentenced to imprisonment. "Remand in custody" is only a euphemism for imprisonment without trial; and the imprisonment without trial of unrepresented people is a practice which should have no place in a fair system of criminal justice.

Finally, there are the working party's recommendations about giving magistrates more information on the defendant's community ties. It is proposed, following the American model, that an information sheet containing the relevant facts should be provided for the bench, and that this practice should be introduced experimentally into selected courts so that it can be evaluated before being adopted on a national scale.

Evaluation will inevitably mean considerable delay, but there is obviously an advantage in trying to ensure that the scheme finally adopted should be the best one possible. Hence it is most unfortunate that the working party rules out any use, experimental or otherwise, of the well-tried American "points" system. This assigns a numerical score to the various elements in the defendant's background, and is based on the knowledge that a person who achieves a certain level of points is unlikely to abscond. The working party rejects the points scheme because "it might be seen by magistrates as interfering with the exercise of their judicial discretion." This argument is not sound. Magistrates could be presented with both the information sheet and the score based on the sheet. Neither the information, nor its summary in the form of a score, would interfere with the court's unfettered freedom to decide for or against bail. They would only help to inform the decision. It is hardly conceivable that any magistrate could regard the provision of information as constituting interference with his judicial discretion.

The points system could well prove to be a useful aid to magistrates. Its value can only be ascertained by trying it out. That is what experiments are for, and that is why it should be included in the experimental schemes.

⁷ Keith Soothill and Patrick Pope, *Medical Remands in Magistrates' Courts*, I.S.T.D., 1974.

THE TRAGEDY OF MARIA COLWELL

P. D. SCOTT

MARIA Colwell was born on March 26, 1965, and was beaten to death by her step-father on the night of January 6-7, 1973, at the age of eight years. In July 1973 the Secretary of State for Social Services, yielding to public pressure, superseded the local authority's own plans for an inquiry *in camera*, and appointed a small committee with a Queen's Counsel as chairman, supported by an alderman and a professional social worker, to make an independent inquiry. The content of this committee's report* was made known to the Press in November 1973, and a limited number of copies were released. It was not until nearly a year later that the reviewer was able to obtain a copy. The NSPCC social worker who kindly lent her copy wrote "Herewith the Colwell Report as promised. Hope it doesn't spoil your week-end." It did.

Maria was the fifth child of her mother's first marriage, and there was an older half-sister cared for by the grandmother since birth. Maria's father left home within weeks of her birth and soon died. The mother, whose standard of child-rearing with her first family was described as appalling, went "completely to pieces"; Maria was placed with her mother's sister-in-law at four months of age, despite a suggestion of long-standing antagonism between the two sides of the family; the other four children were soon taken into care. Apart from a week with her mother in June 1966, Maria remained continuously and happily with the same foster-parents, latterly under a care order, until she was six, when she returned to her mother, step-father and their three new children. In the interim her mother had maintained "occasional and spasmodic" contact with her but had demonstrated a determination to have Maria home again.

Maria's desperate resistance to being moved from her foster-parents and her steady deterioration during the ensuing fourteen months are clearly described. The moves and counter-moves in the tug for possession ("tug of love" seems hardly appropriate at some points) and the complex interactions (or sometimes failure to interact) of local authority social workers, NSPCC personnel, teachers, general practitioners, police, housing authority, educational welfare officer and neighbours, are retrospectively laid out for inspection. The social worker member of the committee dissents, not from the basic facts of the case, but in the interpretation of events leading up to Maria's return home, and is less critical of the social work involved.

The report as a whole is clear, full and scrupulously impartial. It is ironical that the great detail in which the case is presented is mainly due to the excellence of the records and the extensive field-work done by the very workers who thus render themselves most vulnerable to criticism. The committee, by analogy, scrutinise not only Tommy Atkins but the whole command, and indeed state that it was "the system" and particularly ineffectiveness of communication and liaison, rather than individual links in the chain of service, which was mainly to blame. It is fortunate that there was no question at any time of anyone deliberately shirking a task and there was no lack of devotion to duty. Had this not been

* Report of the Committee of Inquiry into the Care and Supervision Provided in relation to Maria Colwell. Dept. of Health and Social Security London: H.M. Stationery Office, 1974, £1.00, pp. 120.

so, there would have been the risk of scapegoating, and faults in the system may have passed unnoticed. In fact the efforts to cope with an exceptionally difficult case, in an exceptionally difficult area of social work, are very impressive, especially those of the young and inexperienced social worker who had a case-load of 70, including six other children thought to be physically at risk.

The committee concludes that the decision not to oppose the care order revocation in 1971 was taken on insufficient evidence; that there ought to have been a longer testing-time after transferring Maria home; that the follow-up and reaction to warning incidents were insufficient. Further, there was not enough co-ordination between the educational and social service departments of the local authority; a progress report was not asked for; and the housing department failed to pass on vital information with sufficient urgency. The NSPCC were faulty in their communication system, misread an incident in April 1972 and did not adequately investigate some complaints.

The police come out well from the inquiry. The doctors escape censure, mainly (one feels) because of the inadequacy of their involvement. It is worth noting, however, that information cards in the educational and general practitioner service seem to have been of little use; the doctor examined Maria without looking at her records although they had been put out for him, and (knowing that there was a question of child abuse) the examination was completed without Maria saying a word! The clergy, sadly, seem to have played no part whatever; they receive only one mention as a possible source of local information. No psychiatrist was involved. The neighbours show up very well; over a period of eight months, while she was at home with her mother, 17 people or groups of neighbours, nearly all in the same housing estate, made 30 representations about Maria.

What wider lessons does this tragic event suggest?

First, this excellent report must become essential reading in the training of all the disciplines concerned. I am sure it will be used as the basis for seminars for social workers, teachers in training, and I hope it will be used by magistrates, paediatricians, psychiatrists, and others.

Biologically, reproduction includes the protection and care of the offspring. Breakdown in this intricate process, each stage of which prepares for the next, does not easily lend itself to substitution, especially when parents and offspring have developed together. It seems that this togetherness is very much more important than actual relatedness—the blood tie is less important than emotional ties. For Maria it was her true mother and step-father who were the foster-parents, not her aunt and uncle. Encouraged also by the Houghton report on adoption, this idea now seems firmly implanted, and Maria's case will surely nurture it. As Henry Kempe (who alerted the world to battering of babies) has said, "the child belongs to himself and is only in the care of his parents." His needs must come first. The essential part of the so-called experts—the professional social workers and doctors—is to indicate what these needs are, where they can best be implemented, and what factors oppose them.

We must not expect social workers to achieve the impossible. I think the implacable resistance of Maria's parents to what were her real needs overwhelmed the social worker. But the system allowed no escape from defeat. Though it is not suggested in the report, the question might have been asked, not only in

respect of Maria but also of the social worker: "How depressed was she?" If social work is anything like psychiatric practice with patients of exceptionally resistant personality, then it is wise to ring the changes on the responsible worker, and for the experienced supervisor to take a direct hand in the field-work.

Another lesson lies in the age of Maria. It is often held that older children are relatively safe because they can communicate their needs; but we see that fear and depression can negate that advantage, and that when in these circumstances a child does speak the actual message may not be at all reliable. Further, children (as opposed to babies and adolescents) do not easily show depression; if we wait for adult-like depression we shall wait too long. Chronically rejected children often show an unnatural restless cheerfulness.

Neighbours are good and concerned observers; let us capitalise on that and in the future co-operate with architects and town planners in constructing housing estates so as to encourage small units of population where residents can be encouraged to have a village identity and inter-dependence.

Where the abuse of a child is suspected, it is essential not to be put off by the lies of parents which deceive, not so much by their plausibility as by their quantity and the implied threats behind them. It has been suggested that new legislation is required to enable examination of the child. It would be better to rely on care orders with continuation of the child at home (this permits examination and removal if necessary) and on persuasion, and use of day nurseries (where children can be bathed). Little would be gained by further legislation. It would be reasonable, however, to make it compulsory for parents (even biological parents) who are petitioning to reclaim their child to undergo, if so requested, the same sort of inquiry as would be applied to any adopting parent. In Maria's case little was known about the step-father, and there was much that should have been known.

The area review committees are already under way and may help to improve communication. It is my impression, however, that case conferences in this area do not add to the clinic knowledge of the case but do apportion responsibility, and that is their important function; from a selection of workers, someone has to stand up and say "I will do this" and that can then be recorded.

The problem of notification inevitably recurs. The danger is that it may give a sense of false security, where nothing effective is being done. If there is to be notification I would suggest it be done through the health visitor or antenatal clinic (both free from the opprobrium of pathology) and that the register should be called the "privilege list" implying that those fortunate parents who are on it will receive priority for their children's needs (social work support, a voluntary worker, priority in housing and nursery access) not that they are recognised as difficult parents. Indeed, any parent who is thought to risk particular stress in child care might be included—the occasional hyperactive child, the subnormal or spastic child, the single and unprepared parent.

In these ways this tragic story may prevent similar occurrences and this careful report serve a useful purpose.

BOOKS AND PERIODICALS

REVIEW SYMPOSIUM

THE POLITICS OF ABOLITION. By T. MATHIESEN. [London: Martin Robertson. 1974. 222 pp. £3.85.]

Alternatives or Abolition?

THIS group of linked essays by Thomas Mathiesen, especially those in Part I, "The Unfinished", and Part II, "Pressure Group and Social Structure", constitutes perhaps the most sophisticated and challenging analysis of both theoretical and practical aspects of penal reform that has appeared for a very long time. Although many readers may approach Mathiesen's work and writings in this area with a degree of suspicion, not to say outright hostility, comparable to that of the Norwegian prison authorities' reaction to the penal reform group, KROM, whose progress is charted in detail in these pages, yet if the essays are read with the open-mindedness they so rightly deserve they raise issues of crucial significance not only for all shades of penal reform groups, ranging from the Howard League to RAP or PROP, but for all students and practitioners of penology. It is not necessary to share the author's particular values and penal preferences to appreciate the vital need, which he goes far in meeting, for much more serious thinking about the ambiguities within society as to how to handle the "expelled", whether they be vagrants, drug addicts or more traditional "criminals", and for the development of "a new theory of radical social change within a welfare democracy". In particular, certain parts of this book must now be indispensable reading for anyone involved in serious debate or action in the field of "alternatives to imprisonment".

The fascinating details of the early formulation of policy and tactics of the Scandinavian reform organisations, KRUM and KROM, bring to the surface the relationship between "concrete humanitarian work" and more specific questions of "criminal policy", and even when the "criminal policy" option is chosen (as was eventually the case here), there is still considerable room for disagreement as to how far to stress political issues of a general kind, and how far to support a "treatment orientation" where this is based on coercion rather than on the principle of "voluntariness". Thus, in the end, KROM decided that it was not to be a "humanitarian organisation", but rather a political one, of which one of the main aims was to disturb the "social functions of imprisonment", which Mathiesen categorises as being "expurgatory", "power-draining", "diverting" and "symbolic". It seems unfortunate, from both theoretical and practical points of view, that this interpretation of the role of imprisonment is rather narrowly focused on only a selection of the social functions, and it is to be hoped that Mathiesen's framework may encourage others to broaden the interpretation to include other aspects, which reflect more fully the complexities of sanctions and social control in society—accepted by many people as an unfortunate but necessary evil.

Much of the emphasis of the Scandinavian prison reform movements, like their parallel organisations in Britain and the United States, is upon finding "alternatives" to imprisonment. If Mathiesen's thinking in this respect is typical of his

colleagues, then the debate in Britain lags far behind the awareness and sophistication shown here. The obvious point is made, but one which is so often overlooked in this context, that an alternative can be either an alternative *means* to similar objectives, or an alternative *goal*; many penal reformers seek, as alternatives, new measures to satisfy the same objectives as existing arrangements, thus simply bolstering up the *status quo*. A true alternative to imprisonment, in Mathiesen's view "is not based on the premises of the old system, but on its own premises, which at one or more points *contradicts* those of the old system. In other words, contradiction is a necessary element in the alternative." (pp. 13-14). The task to be joined, therefore, is one of bringing about sweeping changes in public thinking about crime and punishment, by emphasising very different social and political values and running the very real risk of being rejected by the authorities as irresponsible and unrealistic—"the right thing must be to stand . . . on the other values, and seek to communicate the values to groups in society which may participate in fighting for them" (p. 86). Mathiesen presents us with an impressive statement of faith, which it is hard not to respect (even when it may not be entirely shared), as when he describes his thinking about an "exposing policy", namely "to unmask the ideologies and myths which the punitive system relies on—ideologies and myths concerning the effective protection of society, individual prevention, and general prevention—so that real interests and actual conditions may be revealed" (p. 110).

There are many aspects of the activities and purposes of these Scandinavian reform organisations with which this reviewer is not in sympathy, and it does not always appear clear how the inherent logic of Mathiesen's theoretical perspectives leads to such a central role for the prisoners themselves (see Part III, "Organisation among the Expelled"), but this raises issues not only of theory but also of political tactics and strategy. Nevertheless, the author of this book is outstanding in his perceptiveness and honesty; he recognises the essential tragedy of the conflicts within society concerning the treatment of those "who do not contribute" and who are resolutely expelled, and acknowledges that *the real protest is about the very basis of our type of society*: "By maintaining as expelled those who do not contribute, the prison system—and even more so the general control system—is necessary for the maintenance of the effective, productive society, which in turn is important in maintaining fundamental relationships of power in society" (p. 208). Prisons reflect society in more ways than one; those who wish to abolish prisons must be clear about what they intend, and on what basis their objectives can be achieved: "reforms unmask the system's attempts to mask its true nature, . . . reform thereby makes the world *more truthful*" (p. 209).

Keith Bottomley

The Strategies of Radical Prisoners' Groups

Thomas Mathiesen's superb *Politics of Abolition* is one of the more outstanding contributions of criminological research in recent years. On one level, the book is partly autobiographical. By detailing the author's involvement in "action research", an attempt is made at redefining the relationship between theory and practice. Practice has traditionally been conceived of as either an application of, or an inspiration for theory. The strength of Mathiesen's work is to show the

dialectical relationship existing between the two. On another level (with which this review is concerned), it documents and analyses the development of KROM—"The Norwegian Association For Penal Reform"—as an outside pressure group in the field of criminal policy.

It is difficult to know without a bibliography or footnotes, the debt—if any—Mathiesen owes to Foucault, or whether he has arrived at a similar perspective independently. Perhaps one of the most important lessons Foucault has taught is the essential indignity of speaking for others. Intellectuals have recently discovered (often to their chagrin) that the majority don't need them to know or understand, and are quite capable of articulating their situation. It does not necessarily follow that because they are largely hidden behind bars, prisoners, for example, are ignorant of where their best interests lie. Like Foucault, however, Mathiesen identifies a system of power, not merely apparent in the more obvious forms of censorship, but deeply embedded in the social network which prohibits groups such as the imprisoned from speaking for themselves. One of the foremost tasks confronting KROM, therefore, was to establish itself as a "connecting link" between those inside and those outside. The author traces the evolution of KROM as an organisation which "sees communication both ways as its task and which is particularly geared towards extracting and interpreting to outsiders the large quantity of exposing material coming from the expelled inside the coercive system."

Mathiesen suggests that such contact with prisoners raises strong and angry reaction from the authorities, the press, and public opinion because it disturbs not only important aspects of the social functions of imprisonment, but also some of the main features of the social system.

Whilst acknowledging that the book is invaluable to emerging prisoners' organisations in this country, there are numerous problems associated with comparative analysis. As well as the need to appreciate the specific political, economic, social, and cultural context in which KROM emerged (and about which Mathiesen has, regrettably, little to say), there are crucial areas of contrast between the Norwegian and British experiences—particularly in the size and characteristics of their inmate populations. Unlike its British counterpart, the Norwegian press actively stimulated debate on penal issues, a debate to which the prison authorities officially contributed. Prison governors openly criticised the prison system in a way one could not begin to imagine in this country. Again, KROM was uninhibited by the activities of "middle ground" penal reform bodies such as NACRO and the Howard League, who legitimise the terms and content of the reform debate as stipulated by the Home Office, thereby enabling organisations such as PROP to be labelled as "militant" and "extremist".

On a more general level, Mathiesen's study raises several significant issues. If groups such as PROP insist on seeking Home Office recognition and sanction, they risk integration into the system they are seeking to change. By constantly emphasising co-operation, honesty towards the authorities, and acceptance of their definition of issues, KROM inadvertently altered its course of action and was diverted from its stated aims. Similarly, if the ultimate goal is abolition, PROP must avoid being drawn into discussion about alternatives, since any new proposals have to be seen to satisfy the same objectives as the existing arrangements.

Any proposal which does not satisfy the stated objective is rejected as not being a real "alternative". As Mathiesen points out, "the choice [is] between specifying alternatives—and thereby coming very close to the prevailing order in what he suggests—or emphasising completely different values—and thereby being rejected as irresponsible and unrealistic." Like KROM, radical prison groups engaging in the politics of abolition must differentiate between "positive" and "negative" reforms. The former improve or build up the system so that it functions more effectively. "Negative" reforms abolish or remove greater or smaller parts on which the system in general is more or less dependent. They do not postpone a more long-term abolition because they do not readjust and re-legitimise the prevailing order.

Perhaps the most crucial contribution of the book is its acknowledgment that the struggle for penal reform is an ideological one. Whilst the political awakening within the prisons may provide "exposing" material to outside groups, the prison system is such that prisoners by themselves do not have the power to tear down the walls from the inside. Events at Attica illustrated that, even where inmates resort to taking hostages, the authorities have the power to break off negotiations and literally crush the revolt. The most important strategy which the prisoners' organisations can adopt, therefore, is to link with powerful groups outside the penal system to expose how society really operates. Prison is the one place where authority manifests itself nakedly; it does not hide, and is not masked. At the same time such excessive and tyrannical authority is justified as "moral" and the conquest of Good over Evil. In the final analysis, Mathiesen argues, this outside force must be the radical part of the working class—the class to which most prisoners belong and with which they have concrete interests in common. By such interaction, prisoners—however indirectly—will become the most serious threat to the coercive system.

Mike Fitzgerald

Changing the Penal System: the problem of location

Some years ago Thomas Mathiesen wrote an article in which he stressed the importance of studying the prison within the environment of the prison system, the penal system and society as a whole. The significance of this for prison staff and for prisoners was underlined, about the same time, by the White Paper on "People in Prison" which maintained that "Penal institutions . . . do not exist in isolation. They form part of our society. So do all members of the Prison Service and all people in custody . . . a great deal follows from these principles." Two aspects of that wider environment may be of special significance for prison staff in examining Mathiesen's more recent book *The Politics of Abolition* and its relevance for the British scene. First, in society at large there has been a growing or/and increasingly publicised concern about the alienation of sections of the community, about the frustrations of those excluded from decision-making which vitally affects their lives, about the viability of governmental systems based on the notion of consensus and about the significance of organisations which have adopted a conflict model. One writer, analysing the sense of injustice underlying the mass movements of the late twentieth century, has referred to "The urgent demands that the institutions of our society be reformed . . . expressions of outrage against

the depersonalising and demoralising effect of modern institutions, ranging from the family, to the university, to the state." Secondly, within the environmental sphere of criminal justice, there has been the penological inflation, with the prison system subjected to successive pieces of legislation aimed at reducing its relative importance whilst in practice the number of prisons and prisoners has escalated—a reflection of the failure to date of the attempts to provide effective alternatives to prison. The significance for prison staff of Mathieson's book, in which he analyses the emergence of the Scandinavian Prisoners' Unions movement, should be seen in this context. Mathieson sees the movement as concerned with the ever-widening circle of the alienated in society, the "expelled", of whom one important element is the prisoner, and with the realignment of power to enable the deprived to influence significant decisions—the book is essentially about power. He sees the movement, moreover, concerned to abolish all institutions which are the instruments of expulsion, including the prison, and in order to do so he supports the rejection of the constraint to provide alternatives to imprisonment. He traces an evolving theoretical framework, as well as the practices—the two constantly interacting—of organisations which adopt a conflict model. Conflict implies commitment, and the book may be seen as an attempt on the part of the writer—an exponent of action/research—to identify or provide a rational element for his, as well as the movement's, commitment to total abolition.

Perhaps, then, the first challenge to those involved in prison work is to appraise their own reaction to the author's stance as an activist/researcher and to his commitment. An emotional rejection may ironically imply an uncritical acceptance of his conflict model which needs to be carefully examined. The second challenge may be with respect to the validity of the author's contention that involvement in prisons means absorption and a commitment to the preservation of prisons. If, furthermore, there is that commitment, what is the rational element comparable to the one painted by Mathieson for the abolitionists, and has it been made explicit?

But perhaps one of the most significant challenges is, given this commitment on the part of the author and the movement (about which one may disagree or agree), what does the book convey about their *perception* of how social forces operate, and in particular their *perception* of the forces of control within a prison. For example, Mathieson's examination of the potential conflict between the political and humanitarian aims of the movement raises issues of fundamental importance not only for members of pressure groups outside custodial institutions but for the staff of those institutions. Mathieson does not, of course, argue against humanitarian aims as such but contends that in so far as they identify the "doer" with the establishment and strengthen the establishment by reducing its "odium," they conflict with the political aims of abolishing the establishment. This has a wider significance than simply the ability of those who disagree with the aims to appreciate the significance of the choice. At a time when official prison policy supports the notion of *humane* containment, it raises the question as to the hidden as well as the expressed implications of reducing the dehumanising effects of prison.

And the same applies to the notion of individual treatment. Mathieson argues that individualised treatment may well create a situation of dependency which increases the political impotence of the "expelled" against which he is fighting. What needs, however, to be questioned, is the inevitability of this process which

REVIEWS

MEN RELEASED FROM PRISON. By I. WALLER. [Toronto: University of Toronto Press. 1974. 273 pp. £7.10].

PAROLE has had to bear more than its fair share of the hopes and expectations of those who deal with offenders. Not a great deal is known yet, however, about the actual experience of being on parole and the extent to which supervision and the threat of revocation may influence the behaviour of parolees. One obvious lack is of detailed empirical research which compares the performances and experiences of parolees with those discharged at expiration of sentence without parole. Irvin Waller addresses this problem.

His book is a study of a representative sample of prisoners released from Ontario Federal penitentiaries, of whom 210 were paroled and 213 were discharged unconditionally at expiration of sentence (the latter group consisting of 113 men who never applied for parole and 100 who did apply but were refused). Apart from providing a substantial amount of data on the men as inmates, Waller offers an intensive analysis of their progress as ex-prisoners during their first 12 months on release, based mainly on interviews on their experiences during their first five weeks, six months, and 12 months from release, but also supplemented with information from questionnaires completed by parole supervisors, and police data on arrests and convictions during a 24-month follow-up period.

It is a pessimistic book. 65 per cent. of the dischargees and 44 per cent. of the parolees were arrested at least once within 24 months from their release. The discrepancy, as one would expect, is explained by the fact that the parole board selects the better risks. "We are left with the conclusion," says the author, "that there is no simple key to knowing what the ex-prisoner will do or what will be done to him after release. Basic tendencies can be forecast but there are so many unforeseeable contingencies that may arise where it is impossible to predict with much accuracy which way he will go" (pp. 179-180). Does parole accomplish anything at all? Waller found that it appeared to delay the arrest of a parolee from the first six months to a later period, and that parolees benefited from help with employment. But that was all. Parole supervision is, he says, "at most, a temporary antidote" (p. 201).

Many findings are of great interest. For instance, Waller adds further support to existing evidence which suggests that length of time served in prison is unrelated to success on release. Half his sample claimed there was something new to be learned about crime in the penitentiary. Asked what they thought rehabilitation was, very few ex-prisoners, Waller says, "had a concrete definition" (p. 67). Indeed, the clear majority of both parolees and dischargees thought that the rehabilitation programmes were useless; parolees also felt that supervision was of little assistance, though a minority disagreed. Extraordinary emphasis is placed by parole supervisors on contact at the beginning of the period of supervision: seventeen per cent. of the year's contacts took place during the first week, and a third within the first five weeks.

In his final chapter Waller considers the implications of his research for penal

policy and discusses some alternative methods of dealing with offenders. His commitment is to humanitarian and rational reform with an emphasis on cost-benefit. He observes, for example, that if there were more ways in which to compensate victims there would probably be less insistence on punishing offenders. The author concludes that much of the innovation may simply involve reducing costs. He is surely right in emphasising the degree to which a consciousness of cost is likely to lead to new insights in penal policy; he goes on to suggest, however, that we should be looking for cheaper and more humanitarian ways of handling offenders by containment, though I am not sure how consistent this idea is with his advocacy for more efficient spending of taxpayers' money. Among Waller's other proposals is the provocative suggestion that "restricted access communities" be set up for dangerous offenders in remote parts of Canada.

Men Released from Prison is a notable addition to the meagre library of monographs on parole. It is crammed full of information—too full, perhaps. (Is it essential, for example, to place in the text (at p. 103) the percentages of discharges and parolees who had made long-distance phone calls?) This plethora of data coupled with the author's rather ungainly style do not make it an easy book to read. It is unfair to criticise Waller for not carrying out in such a thorough evaluative study some systematic examination of the exercise of discretion by parole agents and police in defining selected individuals as "failures." The author is certainly alert to the problem: this surely deserves greater attention from researchers.

Waller is not, however, entirely gloomy about parole. Even though it is largely ineffective as a correctional method, "[this] is not necessarily to challenge its *raison d'être*, for while it may fail in one area, it has other valuable functions; avoidance of the construction cost of new prisons, the relief of overcrowding, humanitarian considerations, and the need to placate public opinion with the claim that justice is being done and protection being given, even though criminals are being set free" (p. 16). What his research does show is how little the present approach to parole supervision is able to deal with the problems which men have to face on release from prison. The book's findings further demonstrate how unrealistic are many of the aims of sentencing and how improbable are many of the assumptions of present penal methods. The book adds to our knowledge about prison and parole systems, knowledge which confirms many of one's worst suspicions about them.

Keith Hawkins

THE MAFIA OF A SICILIAN VILLAGE, 1860-1960: A STUDY OF VIOLENT PEASANT ENTREPRENEURS. By ANTON BLOK. [Oxford: Basil Blackwell. 1974. xxxiii+293 pp. £5.25.]

ANTON BLOK is already familiar for his dispute with E. J. Hobsbawm on the relationship between "social bandits" and the peasantry. Here, in a detailed case-study of a village in Western Sicily, he develops his view that institutionalised rural violence can be much more than an expression of peasant protest. He sees *mafiosi* as middlemen, risen from the peasantry but playing a role of power-brokers between large-scale absentee landlords and landless peasants. During the long period of incomplete state formation in Sicily, the state failed to monopolise the use of physical power, and estate owners recruited armed men and field guards to protect

their herds and crops. Such men and their associates often became managers or leaseholders of sections of large estates. During periods of peasant unrest and of factional struggle between landowning families, landlords were dependent on them to keep control and became at their mercy. The peasants, too, were thus dependent on them for access to the land, for they lived by a mixture of share-cropping and wage-labour with no permanent hold on specific parcels of land.

Mafiosi used violence and the threat of violence to secure and extend their power and to exact tributes. During the half-century after 1916 there were 39 killings in the territory of Blok's village (around 2,000 population) and many more cases of harassment and theft of stock, usually to enforce obedience. Each village had its network of several *mafiosi*, linked by kinship and fictive kinship, and there was little connection between these networks, though members could meet to settle questions of (geographical) spheres of influence. In their heyday, *mafiosi* also protected bandits, who sometimes acted on their behalf. After the Second World War many common bandits were betrayed to the State by *mafiosi*, while others (especially Salvatore Giuliano) were converted to political uses and suppressed the parties of the Left.

Mafiosi provided a link which did not otherwise exist between central government and village, as well as between landowners and peasants. "[T]hey sought to control and monopolize the links between these various groups and segments of society" (p. xxvii). Thus to the more powerful Fascist state they were intolerable and many were imprisoned. But they were able to build up their positions again under the weaker Allied Military Government after 1943. Their eventual decline and replacement by a new breed of power-brokers whose base is in urban political parties and bureaucracies is attributed by Blok to the disintegration of the large landed estates, the exodus of migrant workers to the industrial North and the resulting decreased competition for local resources which has narrowed the scope for local strong men and dried up the supply of them.

Blok is a social anthropologist with a particular interest in the relation between state formation and private violence. His method here is to analyse social networks that existed in the past—on the basis of public land records, police reports and interviews with contemporary informants—and to relate the structure of these to their changing place in the configuration of *mafiosi*, landlords, bandits and peasants in the Sicilian countryside. His period thus spans the disruption of feudalism, with its local segmented polity and common use-rights in land to the eventual firm establishment of the state as the major political unit and the fragmentation of the *latifundia*. The story is not always clearly told and the generalisations are sometimes asserted rather than demonstrated. But the material and insights that he presents are full of fascination and would be salutary reading for criminologists, whatever their area of interest.

For Blok does not start by seeing *mafia* as criminal and ask why people do it and what can be done to stop it. He starts by seeing it as a normal part of Sicilian social relations during a particular period and asking how it fits into the overall pattern. His first concern is not with how it should be controlled but with why it is not controlled. If only more students of "organised crime" in the United States would take this approach, they might find that even their recommendations on control were more realistic and more fruitful.

REVIEWS

As criminologists are beginning to discover in so many other cases, the more objective analytical approach also produces a more objective and less sensational assessment of the nature of the problem. The evidence of homicides and physical violence is horrifying enough, but Blok's careful close-range study shows that the *mafia* that carried them out was never the centralised secret society of popular mythology but a series of networks of violent middlemen each struggling for some base in their own area of a segmented society.

Mary McIntosh

SEXUAL CONDUCT: THE SOCIAL SOURCES OF HUMAN SEXUALITY. By JOHN H. GAGNON AND WILLIAM SIMON. (Chicago: Aldine 1973. 316 pp.)

IDENTITY AND COMMUNITY IN THE GAY WORLD. By CAROL A. B. WARREN. (London: John Wiley and Sons. 1974. 191 pp. £5.75)

MALE HOMOSEXUALS: THEIR PROBLEMS AND ADAPTATIONS. By MARTIN S. WEINBERG AND COLIN J. WILLIAMS. (London: Oxford University Press. 1974. 316 pp.)

THESE three books have much in common. They are all concerned with homosexuality; they are all loosely "interactionist"; they all work within versions of "labelling theory"; and they are all substantial contributions of considerable merit. Taken together, they all serve to advance the argument of societal reaction theory, although a useful redirection is made away from the more formal aspects of labelling to a consideration of the heightened importance of indirect, informal and symbolic labelling.

Yet while there is much in common, the books remain significantly different in style, scope and substance. Gagnon and Simon focus upon the entire range of sexual experience, from childhood sexuality to marital sex, from lesbianism to pornography; and while they are not averse to empirical findings (they spent many years at the Indiana Kinseyland of Quantophrenia) their work is essentially a theoretical treatise of great significance. Weinberg and Williams—the new Kinsey sociologists—focus on the adjustment of male homosexuals in three cultures, and present a predominantly statistical analysis of 2,500 completed postal questionnaires. Warren narrows the analysis down even further, providing an observational account of identity, community, interaction rituals and stigma as it appeared to two hundred middle class, apolitical male homosexuals in an American city between 1968 and 1973. Here, the civilised and cultured style of Gagnon and Simon, and the scientific research style of Weinberg and Williams are transformed into a hip sociologists' notepad: bursts of dazzling insight, an armoury of Goffmanesque concepts, and many long quotes where "the actors speak for themselves."

Sexual Conduct is a study of towering importance: it is quite probably the single most important general sociological study of sexuality that has ever been published. What Freud did for psychiatry, Kinsey did for zoology, and Masters and Johnson did for medicine, Gagnon and Simon have surely done for sociology. They have brought a vision that is distinctly sociological, and which shows how most previous sociological works on sex have been over-dependent on metaphors and images borrowed from other disciplines. At last a landmark has been made from which a full sociology of sexuality may develop. Here is a study which grounds sexuality

firmly in principles of social organisation rather than biology; which focuses upon sexual meanings, rather than simply locating sexuality within some powerful organic drive; which focuses upon social change throughout—aware of our pre-occupation with viewing the past through the lenses of the present, and our current over-fascination with the pace and power of change; and which radically (I use a much debased word with care) challenges most of our common-sense attitudes about sexuality.

I cannot do justice to the content of so important a book. As instances of its insights, let me just cite one observation from each of the first three chapters. Chapter 1 tells us that the “powerful biological sex drive”—far from being a universal absolute—is a myth; and that the physical acts of sex themselves only become possible because they are “embedded in social scripts” (p. 9). Chapter 2 further annihilates our Freudian world view by telling us that children are not intrinsically sexual, and that children playing with their genitals may do so with meanings that are quite different from those subsequently imposed by adults. And in chapter 3—which discusses the meaning of sex in marriage—we are told that “it is the socio-cultural that gives sex its meaning, and it is the myths of society that give it its power. . . . Sex is really just like everything else, and there is no natural man struggling against the pressures of civilisation” (p. 108).

Clearly, just these few examples are sufficient to reveal that the book is bound to land in the midst of sociological polemic; and both conservatives and radicals are going to dislike it. Given this, it is a pity that the authors have written a slightly uneven book (most of it is the compilation of past papers, only marginally rounded out). More regretably, the authors have generally evaded the fundamental issue on which they must be challenged. That is, they *assert* the primacy of the social over the biological, and they *assert* that the “power” of the sex drive is a social myth: there is little detailed attempt to show *how* societies have functioned without sex, or what the *precise* links between body and meaning are. Paradoxically, their distinctive sociological account of sexuality demonstrates the great need for sociologists to focus more on the complex interdependence between body and culture.

By contrast, *Male Homosexuals* is a much narrower book. The core of this latest Kinsey product is to provide empirical material on the male homosexuals’ adjustment, focusing especially on his relationship to the heterosexual world, the “gay world”, and his personal psychological problems. More specifically, Weinberg and Williams attempt to test a number of propositions derived from labelling theory which would suggest that the homosexual’s situation becomes worse as hostility increases. To this end, they first compare homosexuals in America, where hostility is greatest, with those in Denmark and the Netherlands where hostility is less, and they secondly compare these samples with (highly dubious) samples from the general population. While many of their findings do support the societal reaction thesis, there are some notable anomalies which cast doubt on the blanket acceptance of this approach. For instance, little difference is found in the psychological problems faced by homosexuals in all three cultures; nor are there notable differences found between the homosexuals and heterosexual samples. (p. 136; p. 150). The authors offer a number of reasons why this may be so, and in doing extend and refine the theoretical basis of labelling studies.

It is to Weinberg and Williams’ considerable credit that they should have

brought both theory and policy to Kinseyland, empirical rigour to labelling theory, and cross-cultural comparisons to deviancy study. Yet the book remains somewhat less than it could have been. In sheer magnitude, this volume is dwarfed by the earlier Kinsey studies where vast quantities of empirical data were the norm. With this study, one can turn for information on a wide range of issues—"gay couples," class differentials, secret homosexuals, women, "gay friendships" etc.—and find very little data. There are also curious omissions in the referencing: Schofield's two classics, for instance, are not mentioned even though they provide empirical data on similar problems from yet another culture. And most seriously, the methodology invites scepticism. Unlike other Kinsey studies, these authors gain their data from lengthy self-administered questionnaires distributed through homophile organisations and homosexual bars: their chosen method inevitably leads to a scantiness of detail, low response rates (falling as low as 24.2 per cent.), and sampling skews (most homosexuals that I know don't go near homosexual clubs, and don't belong to organisations).

A notable feature of this study is its sixty pages of photos and ethnography. Brief accounts are given of the legal situation (especially the enforcement policies), the homophile organisations and the homosexual bars in each of the four cities studied (New York, Los Angeles, Amsterdam and Copenhagen). The authors even provide ecological maps locating homosexual bars—making the book a useful guide for the neophyte homosexual searching for the gay areas in these towns!

But the ethnography of this study is very different from that provided by Warren in *Identity and Community in the Gay World*. For whilst the Indiana sociologists look only at the surface, visible institutions of "gay life", Warren shows her immersion in the homosexual community by providing rich detail on friendships, relationships and "homes"—the less visible, less researched but more important segments of homosexual life. Further, her concern lies with the more subjective meanings of homosexual life than with the behaviour patterns and institutional forms. For instance, she charts the norms of much homosexual interaction—dominated by drinking and "serious sociability"; the perception of both class structures and deviant categories within the homosexual world; the feelings of "gayness", "community" and "stigma" as experiences in the gay world; and the contours of homosexual knowledge, language and legitimation machineries. All of this provides a richer ethnography of a limited portion of the homosexual experience than has hitherto been provided.

The book, however, is not mere description. Warren herself claims to be both phenomenologist and existentialist (seeking meanings as members experience them, and taking a non-deterministic viewpoint), yet she spares us from both the theoretical verbosity and the aspirations to "pure description" that so often accompany such claims. Instead, she darts sensitively between the members' meanings, and her own view of the world which is heavily derived from Simmel's writings on secrecy and sociability, and Goffman's discussions on self-presentation, stigma and identity. This is the most expensive of the three books under review; it is also the shortest and the slightest. Yet it still makes an important and welcome addition to any library on homosexuality.

Ken Plummer

REVIEWS

POLICE TERMINOLOGY: PROGRAMMED MANUAL FOR CRIMINAL JUSTICE PERSONNEL.

By J. SEITZINGER and T. M. KELLEY. [Springfield, Illinois: Charles C. Thomas. 1974. 135 pp.

THIS manual is intended for "police recruits and college students beginning academic studies in Criminal Justice", who have a "definite spelling and word usage problem" for one reason or another. It contains 100 frequently mis-spelled words "chosen on the basis of their relevancy to the function of police work." Each word is defined, its roots, prefixes, suffixes, syllables and context are demonstrated, and then the student is required to spell the word. The object of the manual is to ensure successful completion of police academy curricula, on the grounds that lack of knowledge of police terminology is correlated with failure. Pre-tests administered to a test sample "showed" that only 40 per cent. of the students could successfully spell and use 70 per cent. of the words presented. However, after a mere two weeks of instruction with this manual students had "mastered" the spelling, usage and syllabification of 95 per cent. of the words.

A detailed examination of the procedures in the manual reveals the nature of any achieved mastery as a somewhat functional one rather than one of any linguistic, grammatical or etymological accuracy. Some examples of the exercises illustrate this point and index the literacy and intelligence level of modern America's prospective (or, as it says in the instructions to the instructors, "perspective") policemen. Let us take the exercise on the word "ordinance" (p. 7). At the top of the page is a cartoon. In it a man has parked his car by a sign which reads "Fine for parking." A glaring police officer is pointing at the man who says: "But the sign says FINE for parking, officer." This soupçon of American humour is supposed to reveal the context-in-use of an "ordinance." A superficial semiotic analysis of the cartoon in relation to the rest of the exercise suggests that the word "ordinance" is conveyed as meaning a rule to be enforced by the police for the good of the society. The only relevance of the rule is in its enforcement. This message is placed in the context of the modern police subculture where one of the prevalent themes is the necessary authoritarian stance of the police against the conning and rebellion of a citizenry with anarchoid tendencies. The other cartoons and statements in the book provide us with other themes of current police ideology. However, the exercise continues thus:

ORDINANCE

1. An ORDINANCE is a statute or regulation as enacted by a city government.
A curfew is a city ORDINANCE. Copy the word below.

2. Part of the word ORDIN comes from the Latin word ORDINANS which means to put in order.

—ANCE

3. Part of this word ORD is also used in disorder, which means to have a breach of civic order.

—INANCE

4. An ——— is a statute enacted by a city to preserve relationships and social structures within a city.

REVIEWS

5. An ordinance (statute, code, book) is a means by which cities can maintain social (order, disorder, mayhem).
6. Spell the word. —————

One could write at great length on the themes in police ideology indexed by these exercises. Suffice it to say that the exercises do more than teach the "perspective" students (from the Latin "stud" meaning sexual pervert?) how to spell, and introduce or reinforce the central tenets of police ideology.

The staff report (entitled "Law and Order Reconsidered") to the 1969 U.S. Commission on the Causes and Prevention of Violence stated that most police departments are under-manned and that newly recruited officers are less well-educated than veteran officers. If this is correct then we can only conclude that the need for recruits and the proliferation of criminal laws, in a climate of intense animosity between the police and large sections of the American public, mean that (a) perspective police are being dragged in off the streets and (b) that they must be got through their exams by fair means or foul in order that they can be reinstated in their former position on the street, only this time dressed in uniform, invested with state power, and armed with a gun.

Colin Sumner

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(Compiled by Val Wiles)

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MARJORIE FRANKLIN. 1877—1975

To many people in our field Marjorie Franklin will be no more than a name that is sometimes heard on the lips of older people. Her death severs one of the few remaining links with the early days of the I.S.T.D.,* and removes from the scene a remarkable woman who combined to an exceptional degree sound liberal instincts and principles with a scientific habit of mind.

Marjorie Ellen Franklin (M.B., B.S. Lond., M.R.C.S., L.R.C.P., D.P.M., F.R.B.Psych.S.) was born into a well-to-do family prominent in banking and Liberal Jewish circles. She had been intended for the profession of education on which her mother, as Hon. Secretary of the Parents' National Education Union, had firm views, and she was sent to the House of Education at Ambleside to be trained by the famous Miss Mason in the ideas and principles of the P.N.E.U. She maintained a life-long interest in education, especially in what used to be called the progressive movement, but soon decided that medicine was her true vocation, with an interest rather in disorders of the mind than the body, though she was soon to learn that there is no such clear dichotomy. After basic medical training she did some work under Adolf Meyer in New York, and then, after the usual junior hospital appointments, went to Budapest to study psycho-analysis with Ferenczi.

Marjorie Franklin was thus one of the pioneers of psycho-analytical practice in this country and an early member of the British Psycho-Analytical Society. Her private practice, however, was never very large because from the first she was oppressed by the thought of the limited availability of psycho-analysis owing to its time-consuming techniques and hence extreme costliness. The result of this was that she gave a great deal of her time to what we now call the under-privileged through honorary appointments at hospitals, notably at the British Hospital and the original Institute for the Scientific Treatment of Delinquency (later the Portman Clinic). For she was quick to see that psycho-analysis might have much to contribute to the

*Institute for the Study and Treatment of Delinquency, London.

MARJORIE FRANKLIN

understanding of delinquent behaviour and her deep interest in and concern for the law-breaker goes right back to her days as a young doctor. When the Howard League was formed in 1921 she soon joined it, and served on its Council for over 40 years. In the same way she was a very early and enthusiastic member of the I.S.T.D., and served on its governing body right up to the time of her death.

Her concern to increase the availability of analysis gave rise to the concept by which she would probably most wish to be remembered and to which she gave the name Planned Environment Therapy. This is not the place to attempt to expound the principles involved in P.E.T., but certainly central to it is the attempt to make more widely available the insights and therapeutic possibilities of analysis. It is envisaged as a process in which the analyst operates through a team of workers of various disciplines, such as teachers, child care workers, etc. usually in a residential setting, and thus reaching a large circle of clients. These ideas were tried out at the two "Q Camps" projects, Hawkspur camp for men, in the thirties, and for boys in the forties. Marjorie Franklin was the moving spirit behind these projects in which she had the warm co-operation of the I.S.T.D. and, until war service called him away, of Dr. Denis Carroll. She was later largely responsible for establishing Children's Social Adjustment, which for some years ran a school for mal-adjusted children, committed to the same principles. The residuary funds of these two organisations (Q Camps and C.S.A.) were used to establish in 1967 the Planned Environment Therapy Trust to which she now devoted all her time and talents, and to which she has left a large part of her estate.

Marjorie Franklin published very little, which is unfortunate because her writing combined penetration and originality with precision and lucidity of expression. It is hoped that her occasional papers may be collected for publication.

DAVID WILLS

MAN AND METHOD IN DAVID MATZA'S "BECOMING DEVIANT"

DERYCK BEYLEVELD (*Norwich*)* AND PAUL WILES (*Sheffield*)†

THE principal theme of David Matza's book *Becoming Deviant* is the perspective which he designates "naturalism". Naturalism, according to Matza, is a perspective with a specific commitment: this commitment "is to phenomena and their nature and not to Science or any other system of standards". (Matza, 1969, p. 3). From his discussion of naturalism emerges the central thesis of the book: man is a subject and not an object. It is held to be a consequence of this that much sociological inquiry into deviant behaviour has been fundamentally misconceived in relation to its methods and theoretical concepts.

This article will examine Matza's thesis. It will be argued that, although Matza is aware of an intimate connection between a conception of man, sociological methodology and sociological theory, his explication of the relationship is untenable. As a consequence, the precise way in which his view of the nature of man is intended to differ from the conceptions which he criticises remains ultimately obscure. Further, he has not justified his theoretical and methodological recommendations.

Matza conducts his critique by tracing the development of naturalism in American criminology. He contends that the development of naturalism is manifested in progressive adoption of the stances of appreciation of human deviant behaviour, the description of diversity and sensitivity to complexity. Appreciation has as its goal understanding the way in which the deviant actor views his own situation. It involves empathy, intuition and entering the world of the actor. Appreciation is opposed to a perspective with correctional aims. The latter type of perspective has been dominant in criminology and involves the attempt to predict criminal behaviour; its concern is not with understanding as such but rather with the elucidation of causal factors to be used in the control of deviant behaviour. Appreciation involves a recognition of the diversity of human behaviour but implicit in a correctional viewpoint is the notion of pathology; the idea that there are essentially two types of person, the deviant and the non-deviant, to be distinguished on the basis of differential etiology. This distinction implies that either the deviant or his social world are in some sense abnormal. The simple bifurcation it creates does violence to the complexity of the relationship between deviant and non-deviant phenomena in the real world. It is fairly clear that Matza holds the methodological directives of naturalism and "scientism" to be mutually exclusive: "The basic difficulty with a correctional perspective is that it systematically interferes with the capacity to empathise and thus comprehend the subject of inquiry. Only through

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appreciation can the texture of social patterns and the nuances of human engagement with those patterns be understood and analysed." (Matza, 1969, p. 5).

According to Matza etiological accounts of deviance have been dominated by two notions: those of "affinity" and "affiliation". Affinity expresses the idea that a person becomes deviant as a result of factors in his background: social, cultural, psychological, biological or a combination of these. On the other hand affiliation refers to the notion that deviance is learnt from others. Under affiliation he distinguishes a "primitive" and "mature" conception. The primitive conception is distinguished from the mature form in that the latter operates with the idea that the subject is converted to deviance, whereas the former presupposes the more deterministic notion of contagion. Matza insists that the significance of circumstances and other people can only be fully understood when affinity and affiliation are comprehended in the light of a mature conception of affiliation and under the notion of signification. Whereas affiliation refers to a process of becoming deviant, where the act itself is seen under an innocent aspect, "signification" takes account of the authority and workings of the State. The activity is viewed as being guilty: action takes place under the authority of ban, the threat of apprehension, and the danger of control.

In order to assess Matza's claims it is necessary to examine the foundations of his perspective. His introduction of the theme of naturalism is primarily an exercise in re-definition: "In the dominant conception, naturalism is equivalent to scientific philosophy, experimental method, a stress on objective, external, or observable features of phenomena, and, in general, positivism. In the same conception naturalism's opposites are idealism, existentialism, phenomenology, and, in general, a stress on subjective experience and a corresponding reliance on intuition and insight rather than rigorous, replicable procedure. Naturalism is counterposed to subjectivism." (Matza, 1969, p. 4).

According to Matza this conception is in error because it has made the methods of science an end in themselves, whereas the methods of science are only one important way in which the nature of phenomena may be engaged. Against this view he proposes that: "Naturalism, as the very term implies, is the philosophical view that strives *to remain true to the nature of the phenomenon under study or scrutiny*. For naturalism, the phenomenon being scrutinised is to be considered object or subject depending on its nature—not on the philosophical preconceptions of a researcher. That specific nature commands the fidelity of naturalism. This does not mean that the nature of phenomena is readily apparent: their nature may sometimes be at issue. But the resolution of that issue must be based on experience or more rigorous empirical methods. How the phenomenon is conceived, as object or as subject, is henceforth to be guided by that empirical resolution rather than convenience or the distinguished precedents set by other disciplines. . . . Naturalism does not and cannot commit itself to eternal preconceptions regarding the nature of phenomena. Consequently, it does not and cannot commit itself to any single preferred method for engaging and scrutinising phenomena. It stands for

observation or engagement of course for that is implicit in fidelity to the natural world. But naturalistic observation may also include experience and introspection the methods traditionally associated with subjectivism." (Matza, 1969, p. 5). We are furthermore told that the phenomena most suitable for the philosophy and method of science are objects. But man is not a mere object. He is a subject. Fidelity to the philosophy and method of science is incompatible with fidelity to the nature of phenomena which are subjects, since there is an important difference in kind between objects and subjects. Objects are merely reactive, but subjects are active.

Naturalism as conceived in the dominant conception hence inevitably results in falsification of the nature of subjects. It is this latter set of considerations which is the basis for the re-definition of naturalism. The key contention, upon which the re-definition and the methodological prescriptions which accompany it rests, is that man is a subject and there are differences in kind between subjects and objects. Matza thus asserts that a particular conception of the nature of man has radical methodological implications.

However, we cannot let the matter rest here. Before we inquire more deeply into the purported differences between subjects and objects we need to ask, "How does Matza know that man is a subject and not an object?" The above passage tells us that the resolution of the issue as to whether man is subject or object must be based on experience or more rigorous empirical methods. "Experience" is a particularly vague term. However, the reference to empirical methods presumably implies two things: (i) whether man is subject or object is something which needs to be discovered by empirical means; (ii) the statement "man is a subject" cannot be known to be true *a priori* and from this it follows that some empirical discovery could, at least in principle, show us that man is an object. But now serious inconsistencies and, indeed, incoherences are revealed. Matza asserts that the methods appropriate to the study of man follow from man's nature as subject. It is because man is a subject that the methods of empathy, intuition and experience are appropriate. It must be these methods which he is referring to as being capable of resolving the issue, as other empirical methods, the methods of natural science, though their at least limited applicability to the study of man is not denied, only being appropriate to existence as object, cannot but reveal that man is an object. But if this is the case then we are involved in a vicious circularity. In order to discover that man is a subject we need subjective methods. But before we can use these subjective methods we have to know that man is a subject.¹

It should be clear that "Man is a subject" and "Man is an object", in order to be incompatible, must both be statements claimed to be true *a priori*, or both be claimed to be true on empirical grounds. In other words, the sense or senses in which they are both empirical will differ from those in which they are both *a priori*. The difference will be specifically in the methodological status and functions of the two sets of statements. Any sense in which it is empirically discoverable that man is a subject will not make it obligatory

¹ For a similar line of argument, though in a slightly different context, see Martin Hollis (1970).

that specific methods be used in the study of man. Rather the discovery that man is a subject will be the result of the use of such methods. On the other hand in order to yield the methodological consideration Matza desires, the statement "Man is a subject" must be held in a sense which is known to be true *a priori*. Any attempt to the contrary will result in the assertion of man's subjectivity being question-begging in a viciously circular fashion. But if this is so then the justification of *a priori* assertions of man's subjectivity or objectivity requires criteria for deciding between two contrary *a priori* conceptions of man's nature. This is a problem in traditional philosophy and epistemology. It is a problem which Matza does not consider, but it is a problem which he needs to consider.

A second objection, independent of the first, may be raised. If Matza takes his empirical resolution seriously then it is surely not too much to ask that he provide empirical evidence for his assertion that man is a subject. The only evidence he does provide is citation of word usage. We do speak of men acting, choosing, being morally responsible, imbuing their action with meaning, etc. But word usage may express a mistaken conception. It is surely the case that we have often discovered that something is really different from what we had at first thought it to be, and in making this discovery have discovered that we were wrong in using the words we did use to describe it.

This brings us to a third objection. Since the issues it raises are controversial we will state it briefly since its substance is of no great importance to the central theme of this article. Matza is insistent that reductionism is the enemy of naturalism. For him reductionism means treating something as that which it is not. Specifically it means treating what are really subjects as though they were objects. However if the subject-object controversy is an empirical one, as previously mentioned, this implies that some empirical discovery could at least in principle show us that man is an object. But if this is so then the logical possibility of reduction cannot be ruled out on the sort of evidence which Matza cites. Those who treat man as an object may indeed be mistaken, but Matza's evidence cannot show this, and indeed he needs to show it if he is to adhere to his view that they are necessarily mistaken.

Matza's confusions can be further illustrated by taking note of a quotation he approvingly cites from Randall. Randall states: "Man's searching intelligence, his problems of moral choice and obligation, his ideas, enterprises of art, science and religion are what they inescapably are. . . . Inquiry can find out much about them, about their conditions and consequences, their functions and values; but what it finds is an addition to our knowledge of what they are, not the amazing discovery that they are not, or ought not to be." (Randall, 1944). Matza cites this passage to illustrate his view that reductionism is an enemy of naturalism; that subjects are in principle different from objects and hence the language and methods appropriate to theorising about objects are not appropriate to theorising about subjects. The quotation, however, contradicts Matza's assertion that the subject-object problem is an empirical one. Randall's remarks clearly reveal that he takes the resolution of the subject-object controversy to be prior to empirical addition to our knowledge of subjects. We do not discover that man is a subject. This we

know already. On the basis of this knowledge, in a context in which it is not in question, we proceed empirically to make discoveries about subjects.

What emerges from the above discussion is that Matza is guilty of a serious confusion. If Matza wishes to derive substantive methodological implications from his "Man is a subject" thesis, then it seems to be necessary to deny that the subject-object controversy is an empirical one. But we need not dispute the contention that, given that man is a subject, we empirically make discoveries about subjects. If we deny that the subject-object controversy is an empirical one we deny that the statement "Man is a subject" is an empirical statement; we deny that this statement is verifiable or falsifiable by empirical evidence. It is rather of the nature of a framework assumption. It tells us what sort of evidence to look for in order to make further discoveries about man-as-subject. The key issue then becomes, "If 'Man is a subject' is, in this sense, an *a priori* statement, then what is the epistemological status of this statement?" In other words, we need to ask (i) Is this statement arbitrarily true? (ii) Is this statement trivially true, or does it tell us something about man's nature? (iii) If this statement is neither arbitrarily true nor trivially true, then what considerations will establish that it is *a priori* true? If the statement is arbitrarily true, *i.e.* true as a stipulative definition of man, then presumably we would have little ground for disputing with someone who stipulated that "Man is an object" is a true statement. The dispute would be a purely verbal one. It would be a dispute over whether or not the word "subject" or the word "object" should be applied in this case. It would be a dispute akin to that between two bilinguals arguing as to whether or not they should conduct their conversation in English or in French. If on the other hand the statement is trivially true, *i.e.* it is asserted on the ground that this is the way in which we use words, then something more is required if we are going to assert further that our word-usage is not based on some fundamental error.

We are now in a position to elaborate upon a second confusion. A trivial thesis of man's subjectivity would be a thesis to the effect that the statement "Man is a subject" is either true by stipulation or true because that is the way in which we use words. A profound thesis of man's subjectivity would be a thesis to the effect that there is an in principle difference between man's existence and the existence of other forms of being: a difference which, furthermore, precludes the possibility of ever studying man in the terms appropriate to the study of these other forms of existence. In other words, the profession of the profound thesis is a commitment to at least some preconceptions about man. But Matza explicitly denies our right to any preconceptions about man. Hence a problem emerges. "Does Matza want to hold the trivial or the profound thesis?" There is ample evidence that he wishes to hold both theses. Our evidence for the trivial thesis is principally his rejection of eternal preconceptions about man, the absence of epistemological and, indeed, metaphysical argument, which would be needed to support the profound thesis, and his appeal to word-usage, which is not sufficient to support the profound thesis. On the other hand, in conflict with this interpretation is his rejection of reductionism, which needs the profound thesis in order to

be justified. There are also considerations which implicitly indicate the rejection of the trivial thesis, which, in the absence of remarks to the contrary, would be absolutely conclusive. It is useful here to quote some passages from Matza.

"Thus, the objective view of naturalism was positive and appropriate when the object of inquiry was in fact an object. The confusion arose when the spirit of naturalism turned to the study of man. . . . The misconception of man as object oscillated between two major forms: the first radical, the second heuristic. In the first, man *was* object. In the second, scientists deemed it heuristic merely to act *as if* man were object. In both views, however, a similar consequence appeared. Irrespective of whether man was object or merely heuristically treated as object, the terms of analysis were set in a fashion that minimised man's causal capacity, his activity, his tendency to reflect on himself and his setting, and his periodic struggles to transcend rather than succumb to the circumstances that allegedly shaped and constrained him." (Matza, 1969, p. 7).

"Man participates in *meaningful* activity. He creates his reality, and that of the world around him, actively and strenuously. Man naturally—not super-naturally—transcends the existential realms in which the conceptions of cause, force, and reactivity are easily applicable." (Matza, 1969, p. 8).

Such passages could be further multiplied. The important thing to notice about them is that we are told that it is a fact that man is a subject; that those who have taken man to be an object have been confused; that they have misconceived the nature of man; that man transcends the existential realms in which the conceptions appropriate to objects are applicable. Such assertions are hardly consistent with profession of a trivial "Man is subject" thesis.

It might conceivably be said in reply to these accusations of inconsistency and incoherence that: (i) Matza is not a philosopher. We can hardly expect him to enter the sorts of debates which he is being accused of neglecting. However, such a position would rest on the contention that the inconsistencies pointed out do not matter, *i.e.* do not matter for sociologists. They are of purely philosophical interest. In any case it would hardly do as a defence of Matza, who quite obviously thinks that whether man is subject or object has radical substantive consequences for the conduct of sociology. Further, since one of the accusations is that Matza has mistaken the respective roles of *a priori* and empirical elements in a conception of man, if the accusation is upheld, then this sort of defence will not be in order in any circumstances. (ii) If the first defence is rejected then it might still be held that, although Matza has not justified his conception of man appropriately, his conception is still tenable, *i.e.* Matza has managed to state a true conclusion though by a process of invalid argument. This possibility is much more difficult to assess than the first one. Indeed, most of the rest of this paper will be devoted to consideration of it. The main thrust of the defence is to the effect that Matza's conception of man is perfectly clear—it is a profound conception of man as subject—and is thus operable though not provided with adequate justification.

At this point it is necessary to make a confession. It is being suggested that Matza could achieve consistency either by holding "Man is a subject" to be a metaphysical truth, in which case his view of the relationship of methodology to epistemology would seem to be of a tenable form, or by rejecting his view of the methodological implications of his thesis, in which case it would be *prima facie* plausible to hold the subject-object controversy to be an empirical one. We ourselves favour the contention that the subject-object controversy is a philosophical and indeed metaphysical dispute. In other words we would contend that the statements "Man is a subject" and "Man is an object" are to be best regarded as synthetic *a priori*. However, this is not a popular view and indeed, in the present climate of philosophy, borders upon the heretical. We have therefore tried not to beg this issue in the preceding discussion. The specific philosophical issues referred to are those dealing with, first, the possibility and/or need of foundations for knowledge, and secondly, if the need for such foundations is granted, the nature of such foundations. It is principally to these issues that Kuhn's paradigms, Collingwood's absolute presuppositions, and Quine's entrenchments are directed. (Kuhn, 1962; Collingwood, 1940; Quine, 1964). However, the differences between Quine's views and the thesis of the synthetic *a priori* in particular are marked. Quine's thesis of a continuum between the *a priori* and the empirical would necessitate a totally different thesis of the relationship between fundamental epistemological issues and methodological considerations. Indeed a Quinean view is one of the more plausible interpretations which might be given if Matza desired the subject-object controversy to be an empirical one. We would wish to reject this view but cannot consider the issues here. Since it has been our main purpose to point out that Matza is inconsistent, we do not consider that our neglect of these philosophical issues has been prejudicial to our argument. These issues would, however, have to be considered in a work of construction.

Let us now turn to a detailed exposition of Matza's view of man. This consists of five theses.

A. *Thesis of creativity*

Man is active as against purely reactive or merely adaptive. (Reactivity being applied to non-living being, mere adaptivity to non-human living being.)

Man creates his reality and that of the world around him actively and strenuously.

Man mediates his own becoming.

Man has a capacity to create novelty and diversity.

B. *Thesis of meaningful activity*

Man possesses intentionality and consciousness.

Man participates in meaningful activity.

Man has the ability to shift and create meaning.

C. *Thesis of transcendence*

Man transcends the realm where notions like causality are readily applicable.

Man is self-ordained and not pre-ordained.
Man's essence is emergent.
Learning in man is by conversion and not by contagion.

D. Thesis of man's individuality

Man has real individuality. One man differs from another in ways which cannot be fully described or explained in terms of universal laws, *i.e.* a man's individuality does not consist in his being a unique intersection of causes.

E. Thesis of partially-determined non-free-will

In some men the subjective capacity does not emerge.

The subjective capacity may be pacified by external or internal factors in some cases and situations.

Man's subjectivity does not imply that he has free-will.

Man's behaviour is sometimes, but not always, determined, pre-ordained or predictable.

The thesis of individuality appears to contain the key assumption. It elucidates the thesis of transcendence, and this thesis in turn throws light on the theses of creativity and meaningful activity. The thesis of partially determined non-free-will represents a set of qualifications based upon consideration of the proposition that man's essence is emergent. The presentation of this thesis further indicates that we are to understand the other theses as descriptive of man's real essence: that which in the ideal case distinguishes his existence from other realms of being. Man may become like an object but this is definitely an abnormal condition.³ To the extent that man becomes an object to that extent he ceases to be a man.

Before proceeding further some distinctions are in order. Matza, as quoted earlier, distinguishes between a radical and a heuristic "Man is object" thesis. His failure to distinguish profound and trivial theses, however, leads him to blur some important distinctions and not to consider others. There are at least six distinctions which are illuminating.

I. The radical "Man is a subject" thesis: Man is a subject and can only be so treated if tenable explanations of human activities are to be constructed. This is straightforwardly the profound "Man is a subject" thesis.

II. Version A of a heuristic "Man is a subject" thesis: It is not known for certain whether man is a subject or an object but he can and should be treated as a subject. If emphasis is put solely on the "can" then this might be taken to be a version of a trivial "Man is a subject" thesis. If, on the other hand, strong emphasis is placed upon "should" then this is really a concealed version of I.

III. Version B of a heuristic "Man is a subject" thesis: man is really an object and we know this on *a priori* grounds. But we lack the empirical knowledge to put such a conception into operation. In principle the language of reasons is reducible to the language of causes, that of action to that of behaviour, etc. but we are unable to do this at present, and even if we could

³ In spite of Matza's strictures against using the notion of pathology, he is here applying such a notion to the State.

it would be tedious. It is therefore expedient to treat man as a subject. We may designate this thesis as a combination of a profound "Man is an object" thesis with a trivial "Man is a subject" thesis.

IV. The radical "Man is an object" thesis: this parallels I and is as Matza states it.

V. Version A of a heuristic "Man is an object" thesis: this may be taken to be equivalent to Matza's statement of it, with the proviso that it may be either a trivial or a profound version of IV.

VI. Version B of a heuristic "Man is an object" thesis: man is really a subject and we know this on *a priori* grounds. Nevertheless it is expedient to treat him as an object. A possible ground for this might be concern over verification and justification issues if we let subjective elements into our analyses. This version would be an extremely conservative restriction upon our possible knowledge of man on the basis of a particular theory in the philosophy of science. What we really have here is a profound "Man is a subject" thesis combined with some philosophical reason for treating man as an object.

Now Matza does not consider a possible distinction between V and VI. It is not surprising, therefore, that he does not mention I, II and III in his presentation of his conception of man. What we are endeavouring to discover is which of I-VI most accurately represents Matza's view. Matza specifically repudiates IV and V. But this view leaves us with I, II, III and VI. Of these positions VI may be dismissed quite rapidly. The only statement to which Matza might acquiesce is the statement that man is really a subject—but even this is not certain as (i) it has been shown that he fails to distinguish trivial and profound theses clearly; (ii) it will be shown that III, in which man is really an object, is at least *prima facie* consistent with Matza's conception of man, or at least as consistent as any position could be, since Matza's conception of man is not wholly consistent and can only be made so by rejecting one or more of the propositions which make up his five theses about the nature of man.

There is evidence to suggest that Matza wishes to hold I, II and III. The evidence for his wanting to hold both I and II is fairly direct. What distinguishes I and II is the grounds on which "Man is a subject" is asserted. II is consistent with his position that the subject-object controversy is an empirical one. However, it would be suggested that I would be the more coherent position to hold since a trivial thesis would not warrant the attacks upon a "Man is object" position which he presents.³ The really important issues therefore arise between I and II. In order to substantiate the critique that Matza vacillates between I and III, even if unintentionally, that this makes it unclear how his position differs from those which he attacks and that this makes the significance of his theoretical and methodological

³ Contrary to our earlier confession we are here assuming quite clearly that the subject-object controversy is best viewed as synthetic *a priori*. This is justified since if we were to assume otherwise discussion would end here. But the explicit remarks made by Matza in elucidating his concept of man, rather than merely being equivocal as his previously considered epistemological and methodological remarks are, do not lend themselves at all easily to a trivial interpretation. If Matza did hold a trivial interpretation there would be very little warrant for his writing the book.

recommendations difficult to assess, and impossible on his own terms, we need to look at the five theses about man carefully. It would also be helpful to construct the conceptions of man which Matza holds to be behind those sociological theories of deviance which he considers to have been governed by what he calls crude conceptions of affinity and affiliation.

If we take theses A-D, and ignore for the moment thesis E then it is possible to view this as a wholly consistent profound "Man is a subject" thesis. The thesis we are presented with is a thoroughly dualistic vision of man. Man has some continuity with the natural realm, but he also possesses a self, the operations of which are not subject to the laws of causality. Man's essence consists of this self, which possesses an ontology wholly distinct from the natural realm. Once the self has emerged from purely organic being it assumes a certain amount of autonomy: freedom from that "lower" level of existence. Man's actions are not explicable causally if they really are actions. His actions are not determined or pre-ordained by the lower level of being. It would not be unfair to say that this view holds that the activities of the self, once it has emerged, are self-caused, both in the sense that they are free of the influence of factors which initially led to the creation of the self and in the sense that any explanation of a man's actions must refer to the activities of the self.⁴

Matza, however, provides no justification for such a position. As has been argued, justification would require a detailed philosophical and epistemological position, something which Matza is not in a position to give. It is not surprising therefore that he runs into difficulties with the proposition—"Man's essence is emergent". To make adequate sense of such a proposition a clear thesis of the nature of causality, the relationship between biological, psychological and sociological factors, and in particular a thesis about man's rationality, has to be developed.

Let us examine an interesting quotation from Matza. "But there is a bit of a problem: the subjective capacities develop *within an organism*, and thus arises the possibility of a tyranny exerted by a lower order of being". (Matza, 1969, p. 114). The problem being referred to comes to light during Matza's discussion of Howard Becker's notion of "being willing" (Matza, 1969, pp. 111-117). It is from his attempted resolution of the problem that the thesis of partially determined non-free-will emerges. Matza argues that traditional sociology of deviance has been dominated by a conception of affinity. A person becomes deviant according to this conception because he

⁴ Such a view might hold that reasons are not causes, that reason explanations are not replaceable by causal explanations, that reason explanations are the only ones appropriate to the explanation of actions and furthermore that this is so because man contains within him two radically distinct levels of being. It is highly unfortunate therefore that Matza's discussion is developed from without a context in which the aim is the explanation of social action. Nowhere does he mention the issue of reason explanations *vs.* causal explanations. (See for example Winch, 1958.) Indeed it is possible to infer from some of his other remarks that such a position is not really open to him. Matza equates predictability with causal explanation. He holds the operation of the self to be unpredictable precisely because he holds pre-ordination by the causal realm to be a pre-requisite of predictability, and it is this pre-ordination which he rejects. But predictability is yielded by reason explanations as well. If it is known that a man is acting rationally, or if it is known that he usually acts rationally, and furthermore his beliefs about certain information and the values he attaches to them are known, which is surely not in principle impossible, then surely the information upon which we base our reason explanation of his action provides some basis for predicting how he will act.

has been exposed to the "causes" of deviant phenomena. But, according to Matza, the ordinary consequence of being exposed to the "causes" of deviant phenomena is not in reality committing a deviant act, but rather being willing to commit one. "Being willing" is defined as "seeing oneself as the kind of person who might possibly (do the thing)". Provided that the causes yield this sense of option and not "seeing oneself as the kind of person who must do the thing" then the self ordains itself and is not pre-ordained by these causes. Only in the latter case would the result of affinity be "doing the thing". But this latter case is not normal. It requires the natural reduction of the subject to an object. Only when the subject has been reduced can the concept of affinity be theoretically useful. The ordinary consequence of affinity is thus, we are told, only a tentative or undefinitive option or closure. It is only in literal captivity that the subject is reduced. Literal captivity may result from the tyranny of man over man or it may result from the tyranny of the organism over man as happens in neurosis. But we are told that we cannot generalise from the case of neurosis to the case of normality. It is at this point that the problem is posed. His solution is to say that some people are literally determined by their antecedents. They fail to develop an autonomous self, *i.e.* they are unable to envisage options. The situations in which even "normal" people find themselves may yield no options. They are the kind of people who do have an "option seeing" capacity, but in some cases there are no options. In these circumstances they too may be treated as objects. Normal people are thus capable of transcending their antecedents even if some circumstances preclude their being able to use this capacity, and this capacity is the result of antecedents.

So far the position is consistent with I; though this is not to say that there are no difficulties in it. Far from it. When Matza continues, the difficulties arise. "To recognise and appreciate the meaning of being willing is by no means to assert the existence of a free-will. Indeed it is the exact opposite. The logic of one's past, the human agencies in one's formation are certainly real. They are the grounding for the conduct of will. Free-will, as the phrase itself implies, takes will out of context, converting it inexorably into an abstraction of as little use as any other" (Matza, 1969, p. 116).

This is tantamount to a repudiation of I in favour of III, whatever Matza might say. It is revealing that he does not define "being willing" as "wanting to." This is presumably because he thinks that, if causes determine what a person wants to do, then, provided the option exists, a causal explanation (if possible) of what he wants would predict what he would do even if the explanation of what he did is more properly in terms of what he wanted to do, what he believed in and not in terms of the causes of these beliefs and wants. This would commit him unequivocally to III, and he certainly does not want to say openly that man is really an object and it is only ignorance of the causes of wants and beliefs which prevents us from giving causal explanations. But if this position is not at the back of his mind it is difficult to see why he should feel it necessary to take care of the problem, and even more mysterious why he should try to solve it by denying free-will. If it could only be given a sound metaphysical and epistemological justification, the

radical position of I should enable us to assert free-will in a real sense. Resolution of the free-will/determinism issue usually takes the form of denying one in favour of the other or, alternatively, attempting to reconcile the two. It is indeed an eccentric solution which solves the problem by denying both horns.

What are we to make of this extraordinary state of affairs? We might perhaps receive some illumination by referring to Matza's viewpoint on determinism in his earlier book *Delinquency and Drift*. We might expect some satisfaction from this endeavour since Matza tells us in a footnote in *Becoming Deviant*: "In that discussion [in *Delinquency and Drift*] I more or less settle on a position of soft determinism. I suppose the present discussion moves even further away from an acceptance of any sort of determinism" (Matza, 1969, p. 7). In *Delinquency and Drift*, Matza tells us: "The difference between hard and soft determinism is that one merely directs the analyst, whereas the other makes a fundamental contention regarding the nature of human action" (Matza, 1964, p. 5).

Positive criminology substitutes for the classical model an image of man as fundamentally constrained: "Determinism for the positive school of criminology was not merely a heuristic principle; it was a vision that likened man to physical and chemical particles. Every event is caused. Human freedom is illusory" (Matza, 1964, p. 5). "The view of modern social science is fairly complex and by no means unified or definitive. Whatever the ambiguities, however, a shift to a softer determinism is clearly discernible. The crucial step—a breaking of the link between directives for the analyst and the nature of the object of inquiry—has been taken. Indeed, soft determinism may be defined as the maintaining of the principle of universal causality as a guide to profound inquiry and abandoning of universal assumptions regarding the nature of man, criminal or otherwise. Man's nature with respect to reason and freedom, it is nowadays conceded, is after all an empirical question that can be expected to yield characteristically variable answers. Men vacillate between choice and constraint" (Matza, 1964, p. 7). "The fundamental assertion of soft determinism is that human actions are not deprived of freedom because they are causally determined" (Matza, 1964, p. 9). When we call an agent free we mean that he was not compelled or constrained. In distinguishing between free and unfree actions we do not try to mark the presence or absence of causes but attempt to indicate the kinds of causes which are present.

In *Delinquency and Drift* Matza recognises that soft determinism is not without difficulties and cites the objection that, if the decision involved in a choice is itself determined, then choice is illusory. He gives two replies to this charge: (i) We need to take account of a unique characteristic of man—what Weber called *verstehen*; (ii) Human beings are themselves dynamic participants within the causal order, and man does not occupy a place in the strictly physical invariant realm of natural order.

Matza also sees a denial of determinism in the position of soft determinism: "The second element underlying the soft determinism position . . . consists of the recognition of the rather flimsy basis for the defence of determinism

even as a directive for analysis. No longer certain of universal causality itself, the soft determinist is unwilling to allow a heuristic principle to shape his perception of man and to offend his common-sense perceptions. Determinism has been under attack in physical science . . . currently, determinism is seen for what it is—a faith. In the physical sciences, it is a shaky but still defensible faith. . . . In the social sciences determinism has never been based on anything but sheer faith eternally dealing in the IOUs and promissory notes of hypotheticals" (Matza, 1964, p. 10).⁵

It is hardly necessary to point out the parallel vacillations and confusions over the nature of the subject-object controversy in these quotations to our consideration of these issues in *Becoming Deviant*. Again we are told we are dealing with empirical questions, that there are no eternal characteristics of man, only to be informed a few pages later that man does after all have unique and essential properties. What is far more interesting for present purposes is the view of the relationship of freedom and determinism presented. Two crucial errors are discernible in the above quoted passages: the first is to do with the relationship between soft determinism and partial determinism, the second concerning trivial and profound theses of man's freedom.

Matza provides us with two definitions of soft determinism. In the first place soft determinism is the maintenance of a heuristic principle of universal causality; in the second it is the thesis that human actions are not deprived of freedom because they are causally determined. The latter thesis derives from discussions of determinism in relation to the concept of moral responsibility. In these discussions a soft determinist is a person who holds determinism and moral responsibility to be logically compatible. Indeed the path of soft determinism is the classic compromise for those who wish to hold both that determinism is true and that nevertheless it is possible for men to have free will and moral responsibility. (See e.g.: Hook, 1961). The compromise is commonly affected by opposing freedom to constraint, not to determinism. The distinction between the two is that determinism deals with the antecedents of action, whilst constraint refers to the context of action. It is the assumption that determinism is true that requires the contrast to be made between freedom and constraint. Thus a man might be said to act freely if he wants to do something and there is nothing in the context in which the action is performed preventing him from fulfilling his desires, whilst he retains those desires. In other words the assumption of the truth of determinism requires that freedom can only exist if we mean something particular by that freedom. If it were the case that determinism were false the range of meanings which could be given to the term "freedom" would be extendable. Now it is possible to hold a thesis of soft determinism which is not categorical. One might hold that if determinism is true then it is nevertheless compatible with freedom even if one does not wish to assert its truth, and this is perhaps the thesis which Matza wishes to hold.

⁵ It is quite clear from the definition of "empirical" that if the assertion of determinism is metaphysical ("an article of faith") then so is its denial. Matza here seems to want to say that non-determinism is empirical but that determinism is not. This is incoherent.

However, we would suggest that the weaker version is not in its deterministic thesis actually a departure from belief in determinism. It represents rather the caution of the faint-hearted. It is only if determinism is true that we need to define freedom in the way required by a form of soft determinism. The case of soft determinism stands or falls on whether or not its conception of freedom is adequate to the task of retention of our concepts of moral responsibility. The issue between the determinist and the non-determinist is not over whether the soft determinist's kind of freedom exists but whether it is enough. Now the issue as to whether or not a man was constrained to perform a certain action is indeed an empirical issue, and in this sense of freedom it is an empirical issue whether or not a man acted freely. But the existence of this freedom provides no reason for giving up an epistemological thesis of hard determinism.⁶ In other words Matza's conception of freedom, here stated, is totally neutral as between a "Man is a subject" and "Man is an object" thesis. However, Matza obviously does not intend this. His first definition of "soft determinism", and his reply to the objection against soft determinism indicates that he wishes rather to hold the view which is better termed "partial determinism". Such a view seems compatible with the position he appears to desire in *Becoming Deviant*.⁷ The emphasis here is upon an emergent self transcending the causal realm, but if this is the case then a much stronger sense of freedom, one which is indeed incompatible with determinism, seems to be required. In *Delinquency and Drift* it is therefore charged that Matza has failed to distinguish soft and partial determinism, and it is possible that this confusion has been carried over into *Becoming Deviant*. It would certainly go some way in explaining the desperate position he finds himself in when he tries to deny both freedom and determinism.

Matza's eccentric solution is all the more disastrous because, we contend, the consideration of *Delinquency and Drift* provides at least a prima facie basis for concluding that at the crucial point in his discussion Matza in *Becoming Deviant* unwittingly shifts from position I to position III. Even if this cannot be conclusively established enough has been said to create immense difficulties for the second line of defence broached earlier. The propositions which make up the five theses about man just do not seem to be consistent.

The problems this creates can be seen clearly if we consider Matza's discussion of "affinity" and "affiliation". As earlier mentioned he attempts to re-interpret the significance of the conceptions of affinity and affiliation in the light of what he sees as the correct conception of man. The conception of "signification" seems to be peripheral to this task. For the conception of signification to be used we do not need to alter our conception of man from

⁶ We may distinguish between an epistemological and an ethical thesis of hard determinism. The epistemological thesis of hard determinism states that determinism is true, because if we assume that it is not true then it is not possible to extend our knowledge. The ethical thesis states that determinism is true, perhaps for epistemological reasons, and that determinism is not compatible with moral responsibility; that moral responsibility is an illusion. If it is not clear from the above then it may be pointed out that we are contending that the epistemological thesis of soft determinism is identical with that of hard determinism, only the ethical theses differ.

⁷ It is difficult to see how Matza's view in *Becoming Deviant* is a departure from this version of soft determinism discernible in *Delinquency and Drift*, though it clearly is a departure from the first version and indeed inconsistent with it.

that needed to make use of a mature conception of affiliation. Signification comprehends man as subject in a political setting: a setting in which his activities are viewed as deviant, whereas mature affiliation comprehends man's activities apolitically. In making use of the concept of signification we need not extend our conception of the nature of man, we only alter the setting or context in which he acts.

According to Matza, the traditional conception of affinity and early versions of affiliation both see man as an object. Matza does not clearly elucidate the conceptions and it is not certain whether he considers there to be a difference between them. They are, however, easily inferable. The conception of man under affinity may be termed "empty-vessel man". In this conception various causes, social circumstances, biological and psychological factors are seen as directly leading to deviance. As Matza emphasises, it is true that the circumstances have not been neutrally viewed. It is social disorganisation, biological and psychological pathology which have often been viewed as causally operative. It is furthermore true that theories which have been guided by this conception have usually not taken account of the relativistic and political implications of a concept like "deviance". However, these aspects are contingencies attending the conception in question and not necessary implications of it. The essential aspects of the model are akin to that with which a crude stimulus-response theory might operate. From the stimulus we predict the response. We explain the response in terms of the stimulus. There is no need to take account of the activities of the man in explaining his actions. The mediation of the man—whatever he is, subject or object—simply need not be taken into account.

A crude conception of affiliation, we are told, is embodied in Sutherland's theory of differential association. According to this theory, as is well-known, deviance is due to an excess of contacts with deviant definitions of the situation, behaviour patterns etc. over non-deviant ones. According to Matza, this, in primitive versions of the theory, implies that deviance is "caught" as though it were a contagion. It is contact with definitions and behaviour which determines future behaviour. "Sutherland nearly made his subject a captive of the milieu. Like a tree or a fox, the subject was a creature of affiliational circumstance, except that what Sutherland's milieu provided was *meaning* and *definition of the situation*. Sutherland's subject was a creature, but he was half a man." (Matza, 1969, p. 107). The move to a mature conception of affiliation, to a full realisation of man-as-subject, occurs when the method of learning, being contagion, is replaced by conversion. The difference between the two is that under contagion the subject must become deviant, given certain circumstances, whereas under conversion he only may become deviant, and the "may" is to be taken literally.

That Matza views Sutherland's man as half-a-man is revealing. "Half-a-man", for Matza, means "half-a-subject". What makes him half a subject is his awareness of definitions of the situation, meanings, etc. What makes him not a full subject is his being determined. But surely the mere possession of consciousness is not enough to make any difference as between man being an object and man being a subject in the sense of thesis I. What makes the

difference between I and III is what is meant by "creating", "engaging in meaningful activity", "acting", etc. A conception of man-as-object can cater for *the use of terms* like "meaning" and "definition of the situation". It would hold that consciousness was an epiphenomenal aspect of activities occurring purely at the physical level. It would deem it expedient to treat man-as-subject in the sense of thesis I, while holding him to be really an object. In short, thesis III would be held. Man would "mediate his own becoming" but only in the sense in which striking a diamond with a hammer does not shatter a diamond unless it is a diamond which is struck. What is at issue is not whether men have consciousness, create meaning, etc. It is rather what these things mean. It cannot be too strongly emphasised that a trivial thesis of subjectivity is totally neutral as between a profound thesis of objectivity and a profound thesis of subjectivity. Just as we could make Matza's conception of man consistent with thesis I by eliminating or modifying the thesis of partially determined non-free will, so we can make the conception consistent with thesis III by eliminating the thesis of man's individuality and re-interpreting the other theses figuratively rather than literally. Matza, given his thesis of the empirical nature of the subject-object issue, could hardly object to this.⁸

It is hoped that these considerations show that confusions in Matza's view of the nature of the subject-object controversy result in extreme ambivalence over the nature of his conception of man; that this ambivalence makes it difficult to assess the way in which his view of man differs from *e.g.* that of Sutherland. It might be conceded that Matza is ambivalent over theses I and III, and yet maintain that this makes no real difference to sociology. After all in both cases man is treated as subject. However this objection would show complete lack of understanding of the line of argument presented in the paper. Theses I and III not only differ in what is meant by intentionality, etc. they also differ radically on the type of question it is meaningful to ask and the strategy which it is worthwhile to adopt. On thesis I what can be said about an action begins and ends with the activities of the self. The appropriate range of causal questions is limited, perhaps to those circumstances in which a person does not act rationally. It is futile to embark on a programme designed to explain the activities of subjectivity in terms of causal notions. On thesis III attempted reductions are a rational enterprise and we can always ask for causes of the activities of the self.

In conclusion, then, if it makes any difference whether man is treated as subject or object a position must be taken. Compromise is not coherent. Whichever position is taken must be justified on philosophical and, in particular, epistemological grounds. The contention that it does not matter, which would amount to a repudiation of the importance of profound subject-object controversy, would also require epistemological support. This paper has not attempted to decide these epistemological issues. In addition it has not considered the highly controversial issues of the nature of causality and

⁸ It is important to notice that the consistency yielded by these possible plays is only *prima facie*. Difficulties exist with some of the propositions taken individually, some of which have already been considered.

rationality.⁹ If the argument of this paper is sound then it is precisely issues of this kind which need to assume central importance not only for philosophers of social science, but for sociologists as well. Otherwise sociological theory runs the risk of degenerating into an enterprise of arbitrary assertion and counter-assertion: something which it all too nearly is already. Matza has attempted a radical critique; a critique of the sociology of deviance; a critique whose slogan is to remain true to the phenomena, but it should be clear that a lack of epistemological sensitivity has resulted in his critique being very untrue to facts about phenomena.

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⁹ There are certain specific and important methodological recommendations which Matza gives which we have not considered, only mentioning them in passing. In particular his insistence on entering the world of the subject, on placing greater importance on description and less upon explanation, the cessation of a search for predictive devices and the use of special methods for dealing with subjects. However, in the first case Matza gives his prescription only to qualify it by telling us that though we must take the subject's story seriously we need not always concur with it. However, he provides no criteria by which this decision could be made. The emphasis on description is well supported by the total absence of a specific explanatory setting for the book, and this is juxtaposed to remarks denying the total lack of merit in etiologically accounts. The break with prediction further complicates the issue since Matza does not seem to desire a break between causal explanation and prediction. Thus his repudiation of prediction is easily read as a denial of any appropriate need for causal explanation. We are given no criteria for deciding when men are objects as against subjects, although some are inferable. For example, men might be objects when not acting rationally, or when acting under conditions of constraint. But Matza's failure to consider issues of rationality, and his tendency to make no distinction between determinism and constraint makes any attribution hazardous. To throw any light upon these mysteries would require a detailed work of epistemological construction. Failing this, consideration of these issues would not significantly extend the argument of the paper.

SOCIAL INQUIRY REPORTS: COMPREHENSIVE AND RELIABLE?

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UP to 1969, there was a steady rise in the proportion of men, women and children before English courts in respect of whom probation officers prepared social inquiry reports (Home Office, 1973). The growth in respect of those appearing in the higher courts was particularly dramatic: the proportion rose from 39 per cent. in 1956 to 87 per cent. in 1969. In 1970 and 1971, however, the upward trend came to a halt. In juvenile courts the primary reason was undoubtedly that local authority social workers began to accept responsibility for preparation of reports in implementation of the Children and Young Persons Act 1969. In those magistrates' courts which dealt with adults and in the higher courts there was a continued increase in the total number of reports prepared by probation officers although there was a decline in the proportion of individuals in respect of whom reports were made. The decline, however, has not reduced the pressure on probation services. On the contrary, the pressure has mounted and two factors which have contributed to this position are the increase in the total number of persons appearing before the courts and the increasing trend on the part of courts to call for full written reports as opposed to day-of-hearing oral reports.¹

The growing pressure on probation services has no doubt made it increasingly hard for officers to assist courts to measure up to the cardinal principle articulated by the Streatfeild Committee that sentences should be based on "comprehensive and reliable information which is relevant to the objectives in the court's mind" (Streatfeild Committee, 1961). White (1972) has observed that to his knowledge no research has yet been undertaken to determine the reliability of information presented to sentencers and, indeed, the ideal of comprehensiveness seems to have taken precedence over the ideal of reliability. Monger (1972) has suggested that modest definitions are appropriate in respect of the terms "reliable" and "comprehensive." He argues that "reliability . . . is concerned essentially with reflecting accurately the degree of certainty or uncertainty with which the report is written." When the Streatfeild Committee used the term "comprehensive", Monger is prepared to assume that it was intended that nothing vital should be omitted rather than to encourage the collection of a mass of information which could "induce a cosy feeling in which the absence of really useful information passes unnoticed."

As observed by Dawson (1969), public discussion of assuring accuracy of pre-sentence information has focused almost entirely on the issue of whether there should be disclosure of information to the defendant or his legal

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¹ It may well be, however, that the practice is common on the part of Crown courts to call for day-of-hearing oral reports from the liaison officer in addition to full written reports.

representative. However, the issue of disclosure is only one aspect of the total problem of assuring accuracy of the information. Many facets of the problem have received little attention because of the concern about the disclosure issue. What efforts can be made by reporting officers to assure accuracy of reports and to what extent can these be fostered by formal legal devices? Are there any steps the trial judge can take to increase accuracy, apart from the mere disclosure of the report to the defendant or his legal representative? These are some of the questions posed but not really answered by Dawson. He points to certain practices in Detroit and Milwaukee which may, directly or indirectly, eliminate some inaccuracies in reports. For instance, the practice was followed in Detroit of having a supervising officer re-interview certain defendants after the completion of reports by investigating officers. The practice cost a high price, however, for a measure of accuracy which could probably be reached by improvements in training programmes for investigating officers. The routine of post-plea of guilty hearings in Milwaukee is a practice which, according to Dawson, yields "a body of pre-sentence information that is highly accurate" possibly as a by-product of concern for the accuracy of the plea. Perhaps the availability of such a procedure would increase the accuracy of pre-sentence information but, if hearings became common, the cost to the public inevitably would be high.

The purpose of the present paper is to examine some of the practical obstacles which may affect the comprehensiveness and the reliability of social inquiry reports.² As a preliminary matter, it is proposed to examine some explicit statements as to the nature of the contents.

What Should Social Inquiry Reports Contain?

The Streatfeild Committee and the Morison Committee (1962) agreed that because of the wide variation in individual cases it is undesirable for social inquiry reports to follow a stereotyped form. However, both Committees accepted the recommendation of the National Association of Probation Officers that in most cases reports should include, *inter alia*, "essential details of the offender's home surroundings, and family background; his attitude to his family and their response to him; his school and work record and spare-time activities; his attitude to his employment; his attitude to the present offence; his attitude and response to previous forms of treatment following any previous convictions; detailed histories about relevant physical and mental conditions, an assessment of personality and character." A recent publication of the National Association of Probation Officers (Mathieson and Walker, 1971) is more detailed in specifying the amalgam of fact and evaluative material which should, in appropriate cases, appear in reports. It is suggested, for instance, that reports should include an assessment of the

² I am indebted to the Home Office for granting me the status of acting probation officer to enable me to see at first hand some of the obstacles referred to in this article. My particular thanks are due to those who have supervised and helped me: Mr. D. J. C. Huxtable, principal probation officer, Mr. T. W. Probert, senior probation officer, and Mr. P. K. Ford, probation officer, all of Southampton. I am grateful also to Mr. H. A. Samuels, Reader in Law at Southampton University for his valuable comments on my work. For any errors of fact or judgment, however, I accept sole responsibility.

comfort and cleanliness of the subject's accommodation, comments about the general standards and atmosphere within the home, information about marital relationships of the parents and/or the subject. It is suggested that the subject's relationships at school or work and with his peers should be considered. The probation officer should strive to determine whether the subject is "functioning to full potential" in his work situation. A list appears of possible adjectives which may describe the subject's personality and intelligence and it is clear from the list that Mathieson and Walker expect a perceptive assessment by the reporting officer. For example, the officer should attempt to determine whether the subject's personality development is normal for his age and circumstances. He should advise the court if he feels that the subject is depressed or callous. He should consider whether the subject's behaviour is demanding, attention-seeking or punishment-seeking. As far as the offence is concerned, the officer should endeavour to tell the court whether the subject is unrepentant, indifferent, and if the subject is a child the attitudes of the parents to the offence are also relevant. Mathieson and Walker anticipate that the officer may be able to form a view as to the subject's criminal involvement generally. Is he an instigator or a fringe-member of a group? In the conclusion to the report, Mathieson and Walker hope the officer will be in a position to express a view as to the subject's immediate and long-term needs and to state whether probation would be appropriate.

Obviously the type of report advocated by Mathieson and Walker is likely to be very demanding of the reporting officer and it is apparent that information from the subject alone will rarely, if ever, suffice. Indeed Mathieson and Walker mention as other possible sources of information the police, other social agencies, head teachers, youth employment officers, employers, youth club leaders, clergy, family doctors, remand home superintendents, prison governors and psychiatrists. In many cases, there will have to be a perusal of earlier case records. In almost every inquiry, there will have to be a visit to the subject's home in addition to an office or an institutional interview with him.

Although Mathieson and Walker imply that, as far as sentence is concerned, there is no need for the probation officer to go beyond considering whether probation be appropriate, recent research suggests that, in London and Oxford at least, probation officers are adopting a general function in advising sentencers (Ford, 1972) and, in doing so, they are exceeding the role anticipated by the Morison Committee. Whether probation officers are confining their consideration to the subject's suitability for probation or whether they are performing a more general function in advising sentencers, they are, of course, making an important evaluative judgment.

Although there has been controversy in the past in England about the propriety of probation officers advising sentencers, there is now probably widespread acceptance of the practice. However, so far as the present writer is aware there has never been lively debate on the wider issue of whether any evaluative material should be contained in social inquiry reports. Rather, the limited literature on the topic suggests that evaluative material

is part of the very fabric of which reports are made. Certainly the present writer agrees with Keve (1962) that a report which does not attempt evaluation is sterile and dry, and with Manson (1969) who says that the objective gathering and reporting of personal data which do not contain evaluative material can be handled by a sub-professional person. Nevertheless, if reports are to contain evaluative material, the problems associated with making assessments must be recognised and, wherever possible, there must be safeguards to minimise the risk of inaccuracy.

Problems in Compiling Reports

(a) Limited time

A number of factors affect the availability of time for the preparation of reports. An obvious factor is the pressure of other work on the probation service and this to a large extent depends on the growth rate of the service in relation to the growth rate of the demands on it. Another factor which may influence the availability of time is the pressure of work in the courts. The greater the pressure on the courts, the greater the pressure is likely to be on the probation service. Sometimes, however, perpetually heavy lists in the courts give probation officers a longer period of time during which to prepare reports. If reports are prepared post-conviction, a great deal will depend upon local practices in fixing the length of remand periods. It is customary in some areas³ to allow a longer remand period if the subject has been released on bail than if he is in custody. Inasmuch as an interview with a defendant on bail is more difficult to arrange than an interview with a defendant in custody, this practice is helpful to probation officers.

Generalisations about the length of time available for the preparation of reports are difficult because of the variations between areas both in work loads and in local practices. Some interesting information has been published recently, however, concerning the number of reports prepared and the actual length of time spent on the task (Ford, 1972; Home Office, 1973). Ford found that in Oxford and Inner London it is by no means unusual for a probation officer to prepare 100 reports a year and that the task may occupy up to one-half of his working hours. The Home Office research was based on practices in the North West and the Home Counties and indicated that there were in 1969 large variations but that the mean time to prepare a report was four hours 39 minutes. Nearly nine hours, out of a working week of just over 41 hours, was spent on activities connected with social inquiry reports. Although the Home Office made an attempt to assess the response of officers to excessive demands for reports, no typical reaction existed. Some officers expand their total time on work, some reduce their time on record-keeping and home visits, some reduce the amount of time on all other activities.

It is trite to observe that the availability of time will have an obvious effect on the quantity and quality of information collected by probation officers (Gronewold, 1958). In view of the complexity of the task of gathering the

³ In Southampton, the general practice is to remand the defendant for three weeks if he is on bail or two weeks if he is in custody although the defendant may be brought back to court earlier if the report is ready.

information, clearly probation officers must have adequate time if they are to provide comprehensive and reliable reports to the courts.

(b) *Difficulty of the role*

The traditional role of probation officers is summarised in the Criminal Justice Act 1948 which requires that they supervise probationers and other persons placed under their charge and "advise, assist and befriend them".⁴ The duty imposed by the same Act on probation officers who make court reports is that they "inquire, in accordance with any directions of the court, into the circumstances or home surroundings of any person with a view to assisting the court in determining the most suitable method of dealing with his case".⁵ The latter provision implies that when making social inquiries, the probation officer's role is primarily as an officer of the court. As Monger (1972) observes, the different role may bring about one of two difficult consequences. The subject of the report may perceive the probation officer in his "helping" role while the officer may feel inhibited from responding (see also Jarvis, 1965). Alternatively, without any such perception on the part of the subject, the officer may see the client's need so clearly that it may be difficult not to respond. The fact that crisis intervention theory has come into vogue amongst social workers adds a sharp edge to the dilemma. The theory suggests that crises should be regarded as opportunities for effective casework, for when a client is at a peak of anxiety he may be far more ready to accept advice than when the emotional atmosphere has dropped. In some cases crisis intervention is clearly compatible with performing the role of an officer of the court because the court may be interested to know the subject's response to casework. Indeed, Joan King (1969) claims that casework "is expected by the court, which has experience of the sort of relationship and attitude to be expected from a probation officer". However, in other cases the required casework is indirectly rather than directly involved with the subject of the report. Consider, for example, the situation of a probation officer who visits the *de facto* wife of a man who has been remanded in custody pending the preparation of a social inquiry report. The *de facto* wife is in great distress because the rent for the accommodation she has shared with the subject and their child is seriously in arrears and she is threatened by immediate eviction. She has no money with which to settle the debt, no friends to whom she can go and she feels inhibited from approaching the local social security office because she knows that the subject owes his wife a considerable sum for maintenance. In this case there are strong humanitarian grounds for intervention but the required casework only affects the subject indirectly.

Mathieson and Walker claim that there has been a division of views between probation officers on the issue of crisis intervention. Some see their task to prepare reports as inconsistent with giving emotional support and material help. If there are areas of difficulty, these will simply be noted without any effort being made to resolve them. In support of this view, it is

⁴ Sched. V, para. 3 (5).

⁵ Sched. V, para. 3 (5).

argued that any other course of action would reduce the amount of time available for other work. Also, it is claimed that substantial casework at the inquiry stage may cause highly undesirable results if the court does not make an order for supervision and casework suddenly ceases. On the other hand, crisis intervention is supported by some officers on humanitarian and practical grounds. From an humanitarian point of view, Gerald Caplan (1961) has argued that crisis intervention is a means of promoting mental health: "What is very important for us to realise is that during this period of crisis, when the balance of forces is unstable, when it is, as it were 'teetering', a relatively minor force acting for a relatively short time can switch the whole balance over to one side or to the other. If we switch the balance over to one side, we switch it down to the side of an equilibrium which is one of mental health, and if we switch it down to the other side, to one of mental ill-health".

According to Caplan and to Rapoport (1965), lasting changes can be effected during a crisis period which could not be effected by similar emotional support either beforehand or afterwards. From a practical point of view, some officers would support the principle of crisis intervention on the grounds that further crime may be prevented and that there may be a useful basis on which to build if the court sees fit to make an order for probation. While it seems that those officers who favour crisis intervention are gaining support both within and outside the probation service, the opportunity to practise it must be limited by the pressure of time.

(c) *Lack of co-operation*

Amongst probation officers anecdotal evidence abounds of incidents in which subjects have not kept appointments, have been obstructive or have failed to appreciate the significance of the required report. Familiar sources of interruption are blaring radio and television sets, incessant demands of young children and distractions presented by the subject's employment because he has been unable or unwilling to take time off from work. In one sense, an observation of the subject against his usual background may give beneficial insight to the officer of the subject's total environment. On the other hand, such distractions can be unnecessary, aggravating and time-consuming and may even result in the officer making an application to the court for an extension of time to complete the inquiries. In so far as reports are post-conviction, the situation would be eased if courts always emphasised to the defendant the importance of full co-operation.

(d) *Difficulty of forming evaluative judgments*

In recent years, attention has been focused increasingly on factors which may influence judicial sentencing decisions (for example, Hood, 1962; Cowan, 1963; Rose, 1965; Grossman, 1966; Smith and Blumberg, 1967; Hogarth, 1971). Hogarth has found that the sentencing behaviour of Canadian magistrates is associated with their attitudes and, in turn, that their attitudes reflect the types of communities in which they live. The work-load of magistrates was also found to be associated with the decisions reached.

The heavier the work-load the more likely was the magistrate to have negative attitudes towards his colleagues and other professional people with whom he came into contact and the more likely was he to exercise his discretion in accordance with rules-of-thumb. Obviously it is not possible to extrapolate from this type of research information concerning the factors which influence the decisions of probation officers. Indeed, the attitudes of probation officers may be more homogeneous than those of magistrates. Unfortunately research into the decision-making process of probation officers has been more or less limited to studies of their recommendations for disposition.

Wilkins and Chandler (1965) have developed the "decision-game" technique to study recommendations for disposition but the technique may have a greater application for correctional research (Carter, 1967). In a pilot study by Wilkins and Chandler, the subjects were 17 probation officers from a large eastern university city in the United States. The subjects had varying degrees of experience and different background training. A case history was selected from probation office files and the material was classified under 49 titles. Only these titles were visible at the outset to subjects but the material under each classification could be read simply by turning up the appropriate card. The material on the cards could be read in any order chosen by the subjects but they were told that the purpose of the study was to enable them to decide whether probation was appropriate by using as little information as possible. Subjects were also asked to rank their ease or difficulty in reaching decisions and the degree of confidence they felt in their decisions. Change of mind was permitted. The researchers found it surprising that there was lack of consensus among trained officers as to the value of particular pieces of information in the decision-making process. Once a decision had been reached, the probability of the subject changing his mind was found to decrease rapidly as the volume of information increased. White (1972) suggests this may have been with a view to the reduction of post-decision dissonance (Festinger, 1962). Wilkins and Chandler noted, however, that the confidence levels of their subjects did not increase as the volume of information increased. But there was a relationship between the ease of reaching a decision and the confidence the subject felt about it. The easier the decision was to make, the greater the degree of confidence that it was the "right" decision.

Carter (1967) used a similar technique to examine the decision-making process of 14 probation officers in the Northern District of California. This time five case histories were used but the material in them was reduced to 24 titles. Carter found that each probation officer tended to develop his own style of decision-making and final recommendations showed considerable divergence between them. Interestingly, Carter found that probation officers reached decisions relating to sentence with relatively little information and he confirmed Wilkins and Chandler's finding that the receipt of additional information after the recommendation had little apparent effect upon the decision.

Carter and Wilkins (1967) in a joint paper have suggested that judicial

disparities in sentencing are supported by disparities between probation officers and that these differences are in part a reflection of the officers' individual academic training and experience. Length of service, in Carter and Wilkins' view, tends to produce a trend towards conformity and the development of a more conservative perspective towards the use of probation. If Carter and Wilkins' views are well-founded they should be of particular interest in England where probation officers are assuming an increasingly general function in sentencing and courts appear to be placing increasing reliance on their views (Ford, 1972).

There are obvious limitations in the type of study conducted by Wilkins and Chandler and by Carter, many of which seem to have been recognised by the researchers. In particular, there were no interpersonal encounters between the probation officers and those from whom the material was originally obtained. There was no chance for the probation officers to indulge in the very common practice of conference with their colleagues. Perhaps the most serious defect of the "decision-game" technique is that the probation officers were not required to reach themselves the evaluative judgments which lay at the base of much of the material on the index cards. It is suggested that in practice these evaluative judgments may require as much consideration by the probation officer as the ultimate decision as to disposition, or even more. If disparity exists with regard to the disposition decision, one might anticipate that other evaluative judgments would vary to a similar or greater degree. Further, if disparity exists concerning the defendant's attitude towards authority, his patterns of emotionality, his peer group relations and the effectiveness of parental supervision and control, it may well be that there is even more disparity between probation officers in their disposition decisions than exists where the underlying evaluative judgments are made uniform artificially.

It is suggested that, to a large extent, the reliability of social inquiry reports turns upon the ability of probation officers to form reliable evaluative judgments and at present very little is known of the factors which influence the formation of crucial diagnostic views (Cowan, 1963).

Problems in Presenting Reports

If all the problems encountered in the compilation of social inquiry reports could be overcome, undoubtedly reports would be more reliable and possibly more comprehensive. The fact that the problems are not easily resolved makes it important that at least serious imperfections come to light at the time of presentation. Are there grounds for confidence that this will occur?

The energetic debate as to the disclosure of reports to defendants which has taken place in the United States and North America (Waterman, 1969; Parker, 1964; Barnett and Gronewold, 1962; Parsons, 1964; Notes, 1949 and Notes, 1968) has not been echoed loudly in England, probably because of the terms of section 43 of the Criminal Justice Act 1948 which provides:

"Where a report by a probation officer is made to any court (other than a juvenile court) with a view to assisting the court in determining the most suitable method of dealing with any person in respect of an offence, a copy

of the report shall be given by the court to the offender or his counsel or solicitor:

Provided that if the offender is under 17 years of age and is not represented by counsel or a solicitor, a copy of the report need not be given to him but shall be given to his parent or guardian if present in court."

It is inappropriate to canvass extensively the arguments for and against disclosure to the defendant of the contents of reports. Let it be sufficient to say that the weight of academic opinion now seems to flow with the apparent mood of section 43 and it is usually accepted that, unless there are exceptional circumstances,⁶ the danger of denying the defendant the opportunity to rebut statements by probation officers exceeds the possible undesirable consequences of giving it to him. The allegedly undesirable consequences include the risk that the casework relationship may be prejudiced, the chance that collateral informants will be discouraged from co-operation with the inquiry and the risk of delay in the sentencing procedure. Assuming, then, that unless exceptional circumstances exist it is desirable to grant the defendant the opportunity of rebuttal, to what extent does that opportunity exist in England?

Both the Streatfeild and the Morison Committees recognised that it is impractical for the reporting officer to attend court in every case and this has been confirmed by the recent Home Office finding (1973) that when probation officers in the research team's sample did attend the hearing, 62 per cent. of their time was spent "waiting." Somehow it is necessary to determine in advance the cases when the presence of the reporting officer is most urgently required. The Home Office has endeavoured to meet this need by its circular (1971) which directs reporting officers to attend court if the defendant is already under supervision or the officer is requested to be there by the court or by the defence. The liaison officer is responsible for the unenviable task of attempting to anticipate the needs of the defence and the court. Further, the Home Office has suggested that the clerk of the court may make lists available to the judge and legal representatives of cases in which reports have been prepared.

It will be noticed that the terms of section 43 place the responsibility on the court rather than the probation service to supply a copy of the social inquiry report to the defendant, his counsel or solicitor, and courts have been advised that it is desirable for the defence to see the report in sufficient time to digest its contents and clarify or challenge any points of doubt (Home Office, 1971). Copies of reports are not usually supplied to the prosecution and the practice of reading reports aloud in court has been discouraged except in unusual circumstances.

Theoretically, then, some effort has been made to steer a proper course between preserving the defendant's right to challenge inaccuracies in the report and the widespread and unnecessary publication of highly personal information. In practice, however, it seems that the machinery to steer this course is far from adequate and that the most vulnerable are unrepresented

⁶ For example, it may not be in the defendant's or society's best interests that he discovers from a social inquiry report that he is suffering from a serious mental or physical disease.

defendants in magistrates' courts. Although the unrepresented defendant may have read or have been told exactly or approximately the contents of the report before the hearing, there is some evidence that he rarely has a copy of it before him when his opportunity to challenge it arises in open court (White, 1971; Samuels, 1973). Even when the defendant is represented, his legal representative often has no opportunity to read the report until the hearing commences, in which case he is unlikely to have much chance to take his client's instructions.

In cases which come before a Crown court, the social inquiry report is generally filed some days before the hearing. In theory, there is opportunity for the defence to have access to it at that stage. There is, however, apparent variation in administrative practices in Crown court offices and there seems to be some reluctance in certain localities to grant the defence access to the report. This may be due to fear that copies will be mislaid but it should not be difficult to arrange for inspection and return on administrative premises. Reluctance to grant the defence access to social inquiry reports is certainly not confined to administrative court officers. Probation officers tend to suspect that legal representatives will misuse information derived from disclosure of reports before the time of the hearing. It is argued that if the report is favourable to the defendant, his legal representative may be disinclined to pursue his own line of inquiry in preparation of the defence. If the report is unfavourable, challenge is more likely if the defence has had advance notice of the contents of reports. Understandably, the procedure for challenge is hardly popular among probation officers, few of whom can afford to waste time waiting for hearings and some of whom find cross-examination threatening. Clearly there needs to be clarification of the roles played by probation officers, court officers and legal representatives. Certainly the defence needs sufficient access to social inquiry reports to enable assimilation of the contents and, if necessary, preparation for challenge. The mere fact that some legal representatives do little more than paraphrase in court the contents of reports should not necessarily be interpreted by probation officers as lack of industry or disinterest. On the contrary such conduct may even be a tribute to the competence of the probation officer! On the other hand, courts should be alert to the possibility that legal representatives may rely too heavily on inquiries made by probation officers and may fail to consider whether there are other mitigating circumstances which should be drawn to the court's attention. Further, as the principles of sentencing become more clearly defined, legal representatives could assist courts by citing similar cases. It is interesting that in the context of a discussion of the need to establish a factual basis for sentencing Thomas (1970) suggests that the prosecution should remain in the arena. A South Australian Committee (1973) has taken the further step of suggesting that the prosecution should also have a right of cross-examination to challenge the accuracy of factual statements in pre-sentence reports. Whether or not one agrees with this recommendation, the need remains for the roles of those taking part in the sentencing function to be clearly defined and understood. Once the roles become clearer, of course, the disadvantage suffered by the unrepresented defendant may become even

greater than at present. This calls for special vigilance on the part of the courts to ensure that the defendant has had adequate time to consider the contents of the report and that he has a copy of it before him in court to assist him to challenge it.

Conclusion

The fact that social inquiry reports are now used so widely in England is itself a justified tribute to the high calibre which exists generally among members of the probation service. Nevertheless, research is required to determine the reliability of reports and, if it is found wanting, to examine methods of improving the situation. It is suggested that the problems which have been discussed here create conditions under which reliability and, to some extent, comprehensiveness are threatened.

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OFFENDER TYPOLOGIES—TWO DECADES LATER

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In the period immediately following the second world war, a major criminological interest, particularly among sociologists, grew up around offender typologies. A number of persons offered arguments holding that adult and juvenile lawbreaking involves a heterogeneous collection of activities which must be broken down for study into more homogeneous units. According to this view, typologies or categorisations of offender patterns, types, syndromes, or role-careers are required in order that (a) progress can be made on the etiological task, and (b) efficacious treatment of offenders can be developed.

The causal contention is that no single theory can be uncovered to account for such diverse types of lawbreaking (or for the persons who engage in them) as embezzlement, forcible rape, arson, gang delinquency, aggressive delinquency, female delinquency, and so forth. Instead, separate but perhaps inter-related etiological hypotheses must be developed for each distinct offender type. The closeness of this perspective to the medical model of separate syndromes or disorders, each arising out of a different disease pattern or other set of causal factors, is readily apparent.

The case for typologies and diagnostic classifications in correctional therapy closely parallels the etiological view. The basic argument is that differential treatment must be developed in which various tactics such as psychotherapy, group counselling, reality therapy, behaviour modification, or other strategems would be matched with particular offender types. The treatment would be fitted to the offender, thereby bringing about more effective rehabilitation than is now being achieved.

An early and important articulation of the typological view regarding juvenile delinquents was made by Hewitt and Jenkins (1944), based on research data from a study of referrals to a child guidance clinic. These investigators asserted that there are two major, distinct kinds of delinquents encountered in guidance clinic settings. In another typological statement, Cohen and Short (1958) argued that the population of juvenile delinquents is made up of a number of different types of misbehaving adolescents. Unlike Hewitt and Jenkins, these theorists drew upon a variety of impressionistic evidence to support their claims about types of offenders. Among the patterns hypothesised by Cohen and Short was a "parent male delinquent subculture", along with a number of other variants of working-class gang delinquency.

A third, well-known description of delinquent types is found in the work of Cloward and Ohlin (1960), who contended that lower-class, subcultural delinquents fall into several quite distinct types. Still another statement on these matters was made by Kinch (1962), who summarised a large number of essays in the criminological literature that had offered some contentions

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about delinquent types. Kinch reported considerable agreement among different theorists and researchers, so that three main types of delinquents turned up in many of the essays he reviewed. But it should also be pointed out that most of the reports on delinquent types collated by Kinch were speculative in character, rather than the result of careful research investigations. In another speculative statement, Fisher (1962) argued that there are three basic kinds of delinquents encountered in correctional settings. Finally, recent reviews of typological contentions have been made by Ferdinand (1966) and the National Clearinghouse for Mental Health Information (1967).

Turning to typologies of adult offenders, one essay calling for the development of such classifications was presented by Garrity and myself (1959). We also reviewed a sizeable body of research data that we felt lent support to typological claims. Somewhat later, we offered a tentative criminal typology (1962), spelling out some of the dimensions along which offenders might be classified. I have presented further arguments about offender typologies in causal analysis and in correctional therapy in a book (Gibbons, 1965) designed to serve as a primer on differential treatment for neophyte correctional workers. A number of criminology textbooks have also centred about a typological perspective, including Bloch and Geis (1970), Clinard and Quinney (1973), and Gibbons (1970a, 1973).

Much hope has been held out for typologies as major devices for bringing about marked growth in etiological understanding and improvement in the effectiveness of correctional intervention directed at lawbreakers. But, what has been the yield from typological ventures during the past several decades? How much progress has been made on the discovery of valid offender classifications? After several decades of typological endeavour, perhaps the time has come for a critical assessment of this work, with an eye towards answering these kinds of questions.

This article offers a general review and critique of typological efforts in criminology. In the pages to follow, some attention is given to distinctions among different kinds of typologies. Additionally, some of the criteria for evaluating offender taxonomies are enumerated. The major portion of the article is centred on the examination of a number of classificatory schemes in terms of these criteria, including the role-career typologies I have developed. We shall see that typological efforts have not entirely lived up to the early expectations voiced for them. Finally, this article will attempt to indicate some of the obstacles that confront classificatory ventures in criminology and corrections.

*Kinds of Typologies*¹

Causal and diagnostic typologies

There are two basic kinds of typologies which can be developed, classified in terms of the purposes they are to serve. *Causal* or etiological typologies identify patterns of crime or criminal behaviour that are hypothesised to

¹ An excellent brief discussion of different kinds of typologies and criteria for good typologies can be found in Hood and Sparks (1970).

develop from specific etiological backgrounds. Thus some observers have singled out such types as "naive cheque forgers", on the assumption that persons who engage in certain forgery activities are also the product of an identifiable developmental process such as "isolation and closure" (Lemert, 1953). In a similar fashion, patterns of crime have been identified, with the end in mind of discovering social-structural correlates that produce the different kinds of lawbreaking.

A second kind of typology is the diagnostic one, designed to provide the basis for treatment intervention. Some of the classificatory schemes that have been advanced in the literature have been offered as useful both for diagnostic and causal purposes. For example, I have argued that the role-career types which I have identified are etiologically significant and that, in addition, they have utility in correctional treatment. But other taxonomic devices that have been put forth have been characterised either as diagnostic or etiological schemes, but not as both.

The I-Levels formulation currently being employed in delinquency treatment in California is a prominent example of a typology which has been offered as a diagnostic tool (Gibbons, 1970b). However, the I-Levels theory also contains a relatively explicit and controversial perspective on delinquency causation. That is, the argument strongly implies that delinquents are to be found predominantly at low levels of interpersonal maturity and that they are involved in misbehaviour as a consequence of their socialisation deficiencies. Non-offenders, on the other hand, are assumed to be more interpersonally mature on the average, and thereby insulated from juvenile lawbreaking.² However, these hypotheses about delinquents and non-offenders have not been subjected to research scrutiny. Furthermore, there is considerable evidence from other research studies which points in a direction different from the I-Levels argument (Gibbons, 1970a). That is, there is a relatively large quantity of data that appears to show that delinquents are not markedly less well-adjusted, emotionally healthy, or interpersonally mature than non-offenders.

There are several points to be noted concerning causal and diagnostic typologies. First, it may well be that valid classificatory schemes that provide the basis for significant etiological discoveries may be exceedingly difficult, if not impossible, to construct. Second, it may be possible to devise diagnostic instruments having treatment utility which are independent of causal typologies (Hood and Sparks, 1970, pp. 124-25). Third, development of the latter may be less difficult than is articulation of the former.

Typologies of crime, criminals, and personalities

Typologies in the criminological and correctional literature can be classified in another way, namely, in terms of their content or behavioural dimensions. Some classificatory schemes have identified *patterns of crime*, such as

² Rita Grant Warren, one of the developers of the I-Levels formulation, has argued in a personal communication that the theory does not content that offenders are generally at lower levels of interpersonal maturity. Nonetheless, the interpretation placed upon the argument by many persons parallels the remarks here. Also, the reader ought to examine the original formulation of the theory (Sullivan, Grant and Grant, 1957).

homicide, political crime, organised crime, and so forth. Here, emphasis is upon the ingredients of criminal *acts* rather than characteristics of criminal *persons*. A second group of typologies has dealt with types or *patterns of offenders*, in which the focus is upon describing the characteristics of individuals. A third collection of schemes involves *categorisations of personality types*, rather than typologies of offenders. The I-Levels system falls into this third category, in that there presumably are many non-delinquent youths who would be found in one or another low-maturity level in that scheme. Typologies of personality patterns differ from taxonomies of offenders, for the latter sort lawbreakers into categories from which law-abiding citizens are absent.

Relatively little attention has been paid in criminology to the development of typologies of crime, with most of the attention centring instead upon explication of classifications of offenders. Even so, it is likely that efforts to develop taxonomies of criminality may be more profitable or easier to accomplish than endeavours to evolve career-oriented offender typologies. Classifications of forms of crime involve the identification of commonalities to be found in single criminal *incidents*, such as offender-victim relationships, while the development of offender career classifications requires that we pay attention to the patterning of multiple instances of conduct of individuals over time. Behavioural stability in lawbreaking may be more uncommon than implied in offender typologies.

Criteria for Judging Typologies

There are a number of criteria for typologies which could be listed, depending upon the purposes which the schemes are designed to serve. However, the major requirements of taxonomic systems are easily stated.

First, a typology which is to have some utility in etiological analysis or correctional treatment must possess *clarity* and *objectivity*. That is, the characteristics or dimensions which are employed for purposes of identifying types must be clearly specified. Different observers must be able to apply the scheme to actual offenders and must be able to make reliable assignments of specific persons to the categories of the typology.

A second requirement of a good typology is that the types or categories in the scheme should be *mutually exclusive*. Actual lawbreakers ought to fit into one and only one category within the typology. Although some offenders may show some movement from one pattern to another over time, they ought to be classified into only one type at any particular point in time. That is, it should not be the case that a person would be assigned simultaneously to both category A and category B within a typology.

A third requirement of an adequate taxonomy, whether it is to be used in etiological analysis or in correctional treatment, is that it must be *comprehensive*. In other words, all or most of the population of actual offenders ought to be placed within one or another type within the scheme. Finally, *parsimony* is a requirement of a good typology. Diagnostic or etiological schemes ought to have relatively few categories within them, although it is difficult to identify *a priori* the numerical limits of a useful, parsimonious typology.

Nonetheless, a typological system with several hundred types within it would appear to be too unwieldy to be of much value.

These criteria for typologies are obvious enough. The point to be noted about them is that they are often violated in practice. In the review of typologies to follow, we shall see that many of them are defective in terms of one or another criterion.

Some Existing Typologies

Typologies of crime

Let us first examine some of the typologies of crime which have been advanced. One of these, by Clinard and Quinney (1973), lists nine categories of crime, defined in terms of the dimensions of criminal career of the offender, group support of criminal behaviour, correspondence between criminal behaviour and legitimate behaviour patterns, and societal reaction. These authors identify such types as occasional property crime, conventional crime, and political crime. Several points should be noted regarding their taxonomy. First, the categories within it are very broad ones, including forms of criminality within them which do not seem very similar, as, for example, political crime which includes everything from political protest behaviour to espionage. Second, the Clinard and Quinney classification is somewhat ambiguous, for it is not entirely clear as to whether they have in mind a taxonomy of crime or of criminal persons. Schemes such as the Clinard and Quinney one seem most useful for textbook purposes and have little or no applicability to correctional endeavours.

Other crime typologies include the mathematically-complex scheme by Shoham, Guttman, and Rahav (1970). A more well-known taxonomy is contained in the Kinsey research on sex offenders, in which sexual offences were classified in terms of the age of the victim or co-participant, and also in terms of whether the acts were forced or consensual in nature, as well as whether the victims or co-participants were children, minors, or adults (Gebhard, Gagnon, Pomeroy, Christenson, 1965). Combinations of these dimensions yielded 12 possible types of behaviour. This is not a taxonomy of criminal offenders, for in all likelihood individual lawbreakers often engage in two or more of these patterns of activity and in other forms of criminality as well, over time.

Typologies of delinquents

The main focus of this article is upon typologies of crime and criminals, rather than upon taxonomies of delinquents and delinquency. However, it ought to be noted that typologies of delinquents have been put forth in great number, so that there are considerably more of these in the criminological literature than there are classifications of adult offenders (Ferdinand, 1966). Then, too, the most widely-used and well-known diagnostic typology currently in use in correctional practice is the I-Levels scheme in California (Gibbons, 1970b).

Typologies of delinquents are not without flaws, for many of them are defective in terms of the criteria we have noted previously, particularly with

regard to clarity and objectivity. A good many delinquent typologies which have been advanced are relatively anecdotal or vague in character, so that considerable difficulty would be encountered in reliably placing actual offenders within the categories of the scheme. It might be noted that the I-Levels system is not entirely satisfactory in this regard, for difficulties have been reported in the utilisation of it in correctional practice (Gibbons, 1970b; Hood and Sparks, 1970, pp. 193-214). In particular, delinquent wards are classified by means of information derived from clinical interviews with them, rather than on the basis of more objective data. No very specific defining characteristics are enumerated for the types; hence the interviews involve a heavy measure of subjective judgment on the part of the interviewers. Finally, some researchers have noted difficulties in placing delinquent wards within the typology categories, even with the looseness of classificatory techniques that are involved.

Efforts to test out a typology by sorting out actual offenders into the categories within it have been quite rare, both with regard to juvenile and to adult offenders. The I-Levels system is exceptional in this regard, for here attempts have actually been made to employ the system in correctional practice, by classifying delinquent wards into the types in the system.

In the few cases at hand of research efforts to employ a delinquent typology, the results have been fairly discouraging. For example, take the contentions of Cloward and Ohlin (1960) regarding varieties of subcultural delinquency. Researchers who have examined the behaviour patterns of gang delinquents have reported that *versatility* in delinquent activities rather than behavioural specialisation best describes these lawbreakers (Gibbons, 1970). Thus empirical investigations have failed to confirm these claims about types of delinquents. The criminalistic, conflict, and retreatist subcultures hypothesised by Cloward and Ohlin have not been found to exist in the real world.

Even though research studies have failed to verify any of the delinquent typologies that have been put forth to date, one might well argue that the prospects for development of an etiologically or diagnostically useful delinquency typology are greater than for the articulation of an adequate criminal typology. Although there is a good deal of variability of delinquent behaviour, it is exceeded by the wide range of lawbreaking patterns encountered among adult offenders.

Typologies of criminals

There is a fairly sizeable collection of criminal typologies which have been offered in the criminological literature, as well as an even larger number of descriptions of specific, single forms of criminal conduct such as "naïve cheque forgers". Let us examine a sample of these categorisations.

One typological scheme dealing with adult offenders is that of Schrag (1944, 1961a, 1961b). His classification dealt with inmate types in the prison community. According to Schrag, prisoners exhibit patterns of social role behaviour which the inmate argot identifies by the labels, "square John", "right guy", "ding", "outlaw", and "politician". In general, these

roles are centred about loyalty attachments to other prisoners, thus the "right guy" is a loyal member of the inmate subculture while the "square John" is an alien in that system. Schrag's observations regarding inmate social types were relatively impressionistic ones, drawn from his experiences while employed in a state penitentiary.

Another set of claims about inmate social types, closely parallel to those of Schrag, has been made by Sykes (1958, pp. 84-108). He indicated that prisoners in the New Jersey State Prison employ convict argot in which roles such as "ball buster", "gorilla", "merchant", and "center man" are identified. But Sykes' observations were also quite impressionistic, thus the specific identifying characteristics of these inmate types are far from clear. Furthermore, there is considerable ambiguity regarding the portion of the inmate population that would fall into these prisoner types.

One indication of the relationship between typological descriptions and the real world can be found in the work of Garabedian (1964). In an attempt to replicate the observations of Schrag, Garabedian studied a sample of prisoners in the same prison from which Schrag's report emanated. He identified incumbents of prisoner social roles through inmate responses to a series of attitude items on a questionnaire. On the one hand, about two-thirds of the subjects did fall into the Schrag types but, on the other, about one-third were unclassifiable. Moreover, although the social correlates, such as prior offence records, participation in prison programmes, and attitudes towards the penitentiary, that are said to accompany the role types were observed, many of the associations were much less striking than implied in some of the writings on prisoner types. The conclusions of this study were two-fold, for it demonstrated that social types exist and also indicated that the Schrag typological scheme implies considerably more regularity of inmate behaviour than is actually observed.

The major implication for typological efforts to be drawn from the Schrag-Garabedian case is that pessimism is probably in order as far as expectations for developing a comprehensive adult offender typology are concerned. That is, given the fact that a number of inmates fell outside the types in the inmate taxonomy, we might expect to find an even larger proportion of unclassifiable offenders when our attention turns to the larger, more heterogeneous mixture of lawbreakers outside penal institutions.

Another typology generated inductively in an institutional setting was that of Roebuck (1966), dealing with 1,155 inmates in the District of Columbia Reformatory. His typology was based on legal categories of offence behaviour studied within the framework of criminal careers. Prison inmates were sorted into classes on the basis of their total crime record as indicated in official records. Types such as "negro armed robbers" and "negro jack-of-all-trades offenders" were identified, with 13 types being specified in all. Note that this scheme was based on prison inmates and probably fails on the comprehensiveness criterion.

A different approach to typology development is represented in the recent essay of Daniel Glaser (1972), in which he identified 10 criminal patterns, including such types as "adolescent recapitulators", "subcultural as-

saulters", "vocational predators", "crisis-vacillation predators", and "addicted performers." Although Glaser drew upon research findings, his typological scheme is relatively speculative in character. More importantly, while it may be of some heuristic value in providing some structure to speculation about differential social policies for different offenders, Glaser's typology does not specify the characteristics of criminals in sufficient detail for the scheme to be reliably applied to actual lawbreakers with much precision. In short, there is little reason to suppose that different observers would be able to sort offenders reliably into categories such as "adolescent recapitulator".

One common occurrence when persons begin to examine some specific "type" of offender in detail is the proliferation of sub-types, in order to capture the variability of behaviour within the type. For example, consider McCaghy's (1967) research on child molesters, offenders who might be expected to appear as relatively homogeneous. He reports that he found six separate types of child molesters, including the "high interaction molester", the "incestuous molester", the "career molester", and the "spontaneous-aggressive molester".

This proliferation of sub-types of criminals can also be seen in the essays on murder by Guttmacher (1960), and Neustatter (1967). Both argued that murders come in a variety of types; thus Guttmacher claimed that there are nine kinds of murderers, while Neustatter listed 10 types. Both of these persons advanced anecdotal schemes lacking in clarity and objectivity. Another and more recent listing of sub-types of offenders, which is also impressionistic and relatively crude in definition, is Conklin's (1972) four types of robbery offenders (professional, opportunist, addict, and alcoholic robbers).

The preceding material indicates that general and abstract typologies which identify a relatively small number of criminal types thought to include most actual offenders can be formulated. But, at the same time, these abstract typologies are not so useful in actual research or correctional practice. When we begin to try to evolve typologies that are sufficiently explicit and detailed as to be consistent with the facts of criminal behaviour, we soon discover that a markedly increased number of categories is required in order to capture the variability among actual offenders. The criterion of parsimony is quickly violated.

On this point, I am reminded of the efforts of the pioneering nineteenth century taxonomist, Henry Mayhew (Tobias, 1966, pp. 62-64). He produced a table of the different types of criminal, with 5 major headings, 20 minor headings, and over 100 different categories! Mayhew's typology included such types as "thimble-screwers", "mudlarks", "snoozers", "snow gatherers", and "sawney hunters". A contemporary parallel to Mayhew's large list of types can be seen in the inductively developed scheme used in the San Francisco Project (Adams, Chandler, and Neithercutt, 1971). In that study, the present offences of probationers, along with their ages, prior record of offences, and their scores on the California Personality Inventory So

(Socialisation) Scale were trichotomised, yielding 54 possible types of probationers.

The point to be made here is that in the search for a typology which does justice to the richness and variability of offender behaviour, we may run the danger of developing a scheme of such elegance, with so many specific types in it, that the typology frustrates efforts at causal analysis or differential treatment, rather than serving as an aid.

Gibbons' role-career typologies

Although a number of sociologists have offered offender typologies, it seems fair to say that the role-career efforts in which I have been involved over several decades represent the most ambitious of all these ventures. That is, my endeavours have included the detailed explication of the theoretical underpinnings of role-career taxonomies. Also, the schemes I have developed spell out the characteristics which identify particular offender types; hence these schemes are amenable to research confirmation or otherwise.

The key feature of the typological work which I have been identified is the stress on *role-careers*, involving the attempt to specify criminal behaviour patterns which describe the lawbreaking life career of individual persons. This interest grew out of the common-sense observation that an individual who steals a car today, for example, may be implicated in quite a different kind of misbehaviour tomorrow. Accordingly, criminal typologies which centre about specific forms of illegal activity are not adequate. At the same time, although it may not make sense to speak of "receivers of stolen property", "second degree burglars", or "larceny by bailee-offenders" as role types, it may be possible to identify patterns such as "semi-professional property offenders" as distinct types, made up of individuals who specialise in a variety of identifiable predatory acts.

The basic model involved in role-career analysis is one of *sequential stages* through which deviants are presumed to proceed. Probably the clearest prototype of a stable career in deviance is the chronic alcoholic pattern identified by Jellenik (1962), in which individuals get caught up in a sequence of increasingly more deviant drinking activities, one stage following the other. At any one point in time it is possible to identify specific individuals who are involved in the chronic alcoholic career but who are at different points in the career.

Some of the existing criminological research material suggests that some criminal careers made up of related episodes of behaviour which unfold over time do exist. We have already taken note of research on "naïve cheque forgers" (Lemert, 1953). Some other studies which lend at least some general support to the view that there are careers or stabilities in criminal deviance are those by Peterson, Pittman, and O'Neal (1962), and by Frum (1958).

The typologies of delinquents and of criminals revolve around five defining dimensions or definitional variables. Types have been identified in terms of various combinations of characteristics exhibited by offenders within the categories of *offence behaviour*, *interactional setting*, *self-concept*, *attitudes*, and *role-career*. The last category is one in which the overall career *pattern* of

lawbreaking activity is described. The typologies which have been developed around these dimensions offer descriptions of such types as "naïve cheque forger", in which the forgery behaviour of the individual is described, along with the social circumstances (interactional setting) in which it occurs. The naïve cheque forger is also identified in terms of a self-concept pattern centring about notions of dependency and a non-criminal self-image, along with attitudes of the sort: "You can't kill anyone with a fountain pen."

The typologies also include statements about the social backgrounds of the various types which have previously been identified in terms of the definitional dimensions. These background characteristics are enumerated within the rubrics, *social class*, *family background*, *peer group relations*, and *contact with defining agencies*. The latter category identifies some of the hypothesised effects upon offenders of various correctional experiences which they undergo. The involvement of the offender with agencies of social control may operate as a *career contingency* which influences the subsequent course of his deviant career.

The typologies which I have articulated involve nine delinquency role-careers (Gibbons, 1965) and 21 adult offender types (Gibbons, 1973). The two typologies involve the following categories:

Delinquent typology

1. Predatory gang delinquent
2. Conflict-gang delinquent
3. Casual gang delinquent
4. Casual delinquent, non-gang member
5. Automobile thief—"joyrider"
6. Drug user—heroin
7. Overly aggressive delinquent
8. Female delinquent
9. Behaviour problem delinquent

Criminal typology

- | | |
|--|---|
| 1. Professional thief | 11. Personal offender, "one-time loser" |
| 2. Professional "heavy" criminal | 12. "Psychopathic" assaultist |
| 3. Semi-professional property offender | 13. Statutory rapist |
| 4. Amateur shoplifter | 14. Aggressive rapist |
| 5. Naïve cheque forger | 15. Violent sex offender |
| 6. Automobile thief—"joyrider" | 16. Non-violent sex offender |
| 7. Property offender, "one-time loser" | 17. Incest offender |
| 8. White-collar criminal | 18. Male homosexual |
| 9. Embezzler | 19. Organised crime offender |
| 10. Professional "fringe" violator | 20. Opiate addict |
| | 21. "Skid Row" alcoholic |

Now, how valid are these typologies? How closely do actual offenders fit within the types? How comprehensive are the typologies? Attempts to sort actual offenders according to some typological scheme have been quite rare,

but several attempts have been made to do so with the role-career scheme.

The Gibbons' classifications have been employed in a limited way in two experimental projects within corrections. One of these was conducted at the Stonewall Jackson Training School in Concord, North Carolina, and dealt with delinquent offenders (1970). A second project involved a community-based probation treatment programme for semi-professional property offenders, carried on in Utah under the joint auspices of a private corporation and the state correctional agency (1971). In these two projects, quite crude procedures were used to pick out offenders who were thought to be members of certain types identified in the typologies. Also, these two projects made no attempt to sort a large, diversified group of lawbreakers into a number of the categories of the typologies. Hence these two projects cannot be offered as convincing evidence of the utility of the typological schemes.

A third correctional project utilising the typologies took place in the San Mateo County Probation Department in California (Hartjen and Gibbons, 1969). That study was a much more comprehensive one and is of more significance for the general issue of the validity of typologies.

In the San Mateo County study, a small group of probation officers attempted to classify probationers, sorting them into the types of adult criminals and juvenile offenders identified in *Changing the Lawbreaker*. The officers added two types of their own, "alcoholic delinquents" and "marijuana hippies", which they claimed were fairly commonly encountered in probation caseloads.³

The methodological procedures employed by the probation officers included the development of abridged profiles or typological descriptions of offenders, with both background and definitional dimensions being included. Then, groups of three probation officers acting as "judges" read case records of actual probationers, comparing the data in case files against the profiles. Each judge evaluated cases independently without consultation with the other researchers. A probationer was designated as an incumbent of a type if at least two of the three judges assigned him to that type.

Approximately 650 probation cases were examined by the probation officers. In brief, the results of the diagnostic effort were that 312 of the 655 probationers were categorised as falling within a type in the typologies. Of these, the largest share (60.8 per cent.) were classified as alcoholic delinquents; non-violent sex offender, "rapos"; marijuana offender, "hippies"; or naïve cheque forgers. Of the 343 persons not assigned to a type, 312 were judged by at least two officers as not falling into any type within the typology. Stated differently, there was a relatively high degree of rater-agreement in the research, for officer-judges either agreed that a person was a particular type or that he was not any of the types under study.

What of the remaining probationers who were not initially classified? Are

³ It ought to be noted in passing that the study was not officially sponsored by the agency and that this project was conducted by the workers in their free time. Accordingly, the large investment of time which the officers made in the study was quite remarkable. These remarks should condition any observation about the crudeness of the classificatory procedures employed in the project. Also, while the classification methods were relatively simple, the tactic of employing judges and profile descriptions is not an uncommon one, and it was particularly appropriate for the task in this instance.

there perhaps some types within which they fall, but which have not yet been identified in any existing typology? Using a parallel technique of independent judges, Hartjen sifted through the probationers who had not been assigned to the typology, in order to see whether there were similarities among them that had escaped the attention of typology developers. Using offence records, he managed to place most of these individuals (330 of the 343) into seven "types", with 26.5 per cent. of them being classified as "non-support offenders" and 22.1 per cent. as property offenders. Even so, these *ad hoc* types did not appear to differ from each other in terms of commitment to deviance, social background characteristics, or other variables.

This study does offer some encouragement for those who would endeavour to develop differential treatment programmes centred about diagnostic types, in that a fairly large number of offenders were classified into types. On the other hand, the research lacked the precision that one would hope to achieve in taxonomic endeavours. In particular, the judges were restricted to data contained in probation reports. As a consequence, offenders were classified largely in terms of offence behaviour and social background characteristics. The classificatory activities did not involve self-concept and attitudinal items, at least not in a systematic way. It seems likely that if the probationers had been subjected to a battery of personality tests such as the California Personality Inventory So Scale, and had their test scores been included in their files, the officer-judges would have encountered considerably more difficulty in assigning them to typology categories. Also, it is probable that larger numbers of probationers who do not fit into a type would have been found had more precise rules for classifying them been employed.

Regarding the approximate half of the probationers who were not initially placed in the typologies but who were eventually assigned to some other "types", most of these offenders were involved in "folk crime". "Folk crime" is Ross's (1960-61) term for forms of lawbreaking arising out of laws introduced to solve problems related to the increased complexity of modern society. These offences usually draw little public attention, they involve little social stigma, persons of relatively high status are often involved in them, and they are frequently dealt with in a variety of administrative ways. Probation caseloads apparently include a number of novices in criminality who do not move on to more complex forms of lawbreaking and who do not become committed to careers in deviance (Gibbons, 1972).

One other observation about these results has to do with the matter of parsimony and comprehensiveness. Although the offender typologies utilised here include a relatively large number of types, additional categories had to be constructed *ad hoc* to encompass the probationers. Quite probably, even more types would have to be evolved if we were to extend our attention to offenders in other settings outside probation.

The final typological effort involving the role-career framework is currently going on at the Diagnostic Depot of the Illinois state corrections system at Joliet, Illinois. There, efforts are being made to sort incoming prisoners into a set of types modified from the Gibbons' role-career scheme. Unfortunately, no results are yet at hand from this project, thus it cannot be utilised in the

present review and critique. However, the eventual findings from that effort ought to represent a kind of crucial test of the utility of typological formulations, in that the research is being conducted with a large and relatively heterogeneous collection of lawbreakers. The best guess at this point is that the typological scheme that results from this Illinois project will not be universally applicable to offenders outside that state or that correctional system.

Career Typologies: An Assessment

Although it is perhaps too early for unequivocal assertions about the long-term prospects for career-oriented typologies, the evidence to date does not seem encouraging. To begin with, the research surveyed here indicates that no fully comprehensive offender typology which subsumes most criminality within it yet exists. Then, too, some criminologists have suggested that new forms of lawbreaking are emerging, additional to traditional ones (Sykes, 1972). If so, these emergent types of criminal behaviour will have to be accommodated in typologies.

Additionally, it is by no means clear that existing typologies of criminals are empirically precise. It has yet to be shown that the degree of patterning or regularity of offence behaviour which typologies assume truly does exist in most cases of criminality. For example, the San Mateo study examined probationers at one point in time and did not gather data on the patterning of offence career behaviour over time. On this same point, there has been almost no research dealing with hypothesised social-psychological correlates of offence behaviour, so that it remains to be demonstrated that cheque forgers are dependent personalities, that semi-professional property criminals exhibit common attitudinal patterns, and so on.

These remarks come down to one central conclusion: the notion of identifiable careers in criminality may be an hypothesis about behaviour which is too clinical (Taylor, Walton, and Young, 1973, pp. 150-166). The language of "types", "syndromes", "behavioural roles", and the like may be inappropriate for many criminals. Instead, it may be that many lawbreakers exhibit relatively unique combinations of criminal conduct and attitudinal patterns, or at least we may only be able to group them with considerable difficulty into some very general categories or types.

A good deal of criminological attention in recent years has been drawn to the contemporary theorising in the sociological field of deviance, particularly to the writings of "labelling" theorists. Sociologists such as Lemert (1972) have argued that many deviants, including criminals and delinquents, "drift" into misbehaviour or that their conduct is a risk-taking response to value-conflicts in society. The conventional image of the deviant whose conduct is the consequence of internalised motives which differentiate him from non-lawbreakers is relatively absent in the writing of labelling theorists. They assert the importance of societal reactions, turning points, career contingencies, and the like, arguing that individual careers in deviance do not usually follow some kind of straight line progression of behavioural deviation. Instead, variability rather than regularity may be most characteristic of

offenders; lawbreakers engage in flirtations with criminality; individuals get drawn into misconduct for a variety of reasons and many of them manage to withdraw from deviance. In all of this, labelling theorists suggest that deviant careers do not unfold from "within the skin" of actors, so to speak, so much as they develop in response to various contingent events that occur to them along the way, including experiences with correctional organisations.

If we follow deviance arguments very far, we would be led to turn away entirely from the search for *types of criminal persons*, investing our energy instead in the development of descriptions of interactional processes or patterns. That is, we might search for generalisations which would describe the ways in which norm-violators, social audiences, and agents of organisations such as prisons or probation agencies are all bound together in interactional patterns which result in various outcomes on the part of the deviant. John Irwin's (1970) account of the career of the felon is a case-in-point of analysis of this kind.

In conclusion, I have become increasingly sceptical about the prospects for uncovering a relatively parsimonious set of criminal role-careers. Let me also note in passing that the typological assumption that clear-cut causal processes can be identified for role-careers, involving some specific set of earlier life experiences out of which criminal motivation developed, is also open to serious question. I have commented on an alternative view of criminal etiology in detail in another essay (Gibbons, 1971) where I drew attention to "risk-taking" processes in criminality, involving persons who are not specifically motivated to engage in lawbreaking. The essay placed much heavier emphasis upon situational pressures and factors in criminal etiology than has been customary in criminological theorising in the past. If those observations are on the mark, they would serve to de-emphasise the importance of typologies in causal analysis.

My guess is that in so far as the search for typologies turns out to be profitable in corrections, it will be as a consequence of the further development of statistical classifications such as the base expectancy system of analysis (Gottfredson, 1970) or predictive attribute analysis (Wilkins and Smith, 1970). These techniques of inductive analysis involve relatively modest goals, centring about the development of classificatory devices based on specific groups of offenders within certain limited correctional settings. They in no way involve the grand ambitions of theoretically-derived typologies. But the latter may be an illusory goal, in that the regularity and patterning assumed to characterise lawbreaking may not exist. The real world may stubbornly resist our efforts to simplify it by means of offender typologies. After two decades of work in this tradition, relatively little progress in typological directions can be discerned.

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PATHOLOGIES AMONG HOMICIDE OFFENDERS: SOME CULTURAL PROFILES*

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SINCE the early days of criminology, homicide has been, and still is, one of the most attractive topics for social scientists interested in criminal and deviant behaviour. A great contribution to the scientific study of this phenomenon was made by Wolfgang (1958) in his work on criminal homicide in Philadelphia, the influence of which is seen in a number of studies published since then (among them Jayewardene and Ranasinghe, 1963; Pokorny, 1965; Voss and Hepburn, 1968, etc.).¹

In a previous article on this topic (Landau, Drapkin and Arad, 1974) we investigated several factors related to homicide victims and offenders in Israel, namely, sex and ethnic origin of victim and offender, the victim-offender relationship and motives involved in the criminal homicide. In that study we analysed all the known and solved cases of criminal homicide perpetrated in Israel between January 1, 1950 and December 31, 1964 (except for cases caused by infiltrators from neighbouring Arab countries). 279 offenders and 311 victims were involved. The source of information was data from police files and files of the prison service. Comparisons were made between Oriental Jewish, Western Jewish and non-Jewish (mainly Arab) offenders. The reason for these comparisons stemmed from our basic hypothesis that the influence of cultural norms and traditions on behaviour will be reflected in a clear way in the crime of homicide in Israel. This hypothesis was strongly supported by our findings. Along all the variables, very striking differences were found between offenders and victims of the three ethnic groups.

The Study

The present study was conducted on the same population of offenders, using the same sources of information as the previous one. The topics investigated in this study include the type of homicide as well as the pathologies of the offenders prior to their capital crime: type of first known disturbed or deviant behaviour, previous physical illness or handicap, and hospitalisation for physical and mental disorders.

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¹ For an extensive bibliography see Wolfgang (1958) and Wolfgang and Ferracuti (1967).

Here again, comparisons will be made between the same three ethnic groups, specifically defined as follows:

1. *Oriental Jewish offenders*: those born in Asia or Africa or born in Israel to parents whose origin is in Asia or Africa.
2. *Western Jewish offenders*: those born in Europe or America, or born in Israel to parents whose origin is in Europe or America.
3. *Non-Jewish offenders*: most of the offenders in this group are Moslem Arabs while some are Christian Arabs or Druzes. (Culturally speaking, these three groups have much in common and are organic elements of the oriental native society of the Middle East).

It is important to mention that the great majority of both Oriental and Western Jewish offenders were immigrants (86.5 per cent. and 87.9 per cent., respectively) as was the majority of the Jewish population in Israel during the period covered by the study.²

Our aim in this study is to find out whether the clear distinction between the three ethnic groups found in the victim-offender interaction will also be reflected in the type of homicide as well as in some background variables in the past of the offender. Thus, what we are aiming at is to create some cultural profiles as regards criminal homicide in the Israeli society.³

Type of Homicide

Table 1, presenting the distribution of offenders by ethnic origin and type of homicide, shows that 74 per cent. of the total number of offenders were convicted for either murder or manslaughter.⁴ The rate of homicide offenders who subsequently killed themselves is 11 per cent., while 12 per cent. of the offenders were declared insane. The least frequent category of homicide is that of infanticide—3 per cent.

TABLE 1
Type of homicide by ethnic origin of offender

	Oriental Jews %	Western Jews %	Non-Jews %	Total %
Murder	35.2	30.8	51.7	41.2
Manslaughter	31.8	20.0	41.4	32.7
Homicide-suicide	11.0	27.7	1.7	11.0
Insane	17.6	20.0	2.6	11.8
Infanticide	5.5	1.5	2.6	3.3
Total	101.1	100.0	100.0	100.0
N	(91)	(65)	(116)	(272)

$G=57.1787$; d.f.=8; $p<0.001$

² The mean percentage of immigrants in the total Jewish population during this period was 61 per cent. The discrepancy between this figure and the percentage of immigrants among the Jewish homicide offenders is due to the fact that here *all* age groups are included, while among the offenders the low age groups are obviously not included. (Source: Publication No. 215 of the Central Bureau of Statistics, Jerusalem, 1967, Table 1.)

³ For the statistical analysis of the data, Wilks' G Independence Test was utilised (Wilks, 1962, pp. 423-424). $G \sim \chi^2_{(r-1)(s-1)}$. The null hypothesis that there is no dependence between the two presented variables in each case was rejected for $G > \chi^2_{(r-1)(s-1), .95}$. This means that the probability of rejecting the null hypothesis is greater than 95 per cent.

⁴ Five non-Jewish offenders were neither Christian nor Moslem Arabs nor Druzes. These offenders were not included in the tables dealing with the variable of ethnic origin. Therefore the total number of cases in Table 1 and the other subsequent tables is less than 279.

The study of West (1965) provides some comparative data on homicide followed by suicide. The rate of offenders of this kind out of the total number of homicide offenders is: in Denmark—42 per cent.; in England and Wales—33 per cent.; in Australia—22 per cent. and in the United States of America—4 per cent. (West, 1965, Table 1). In Denmark this rate is 3·8 times as high as in Israel, in England and Wales three times as high, in Australia twice as high, while in the United States of America this rate is 2·75 times lower than in Israel.

As to homicide offenders declared insane, this rate in Philadelphia (2·7 per cent., Wolfgang, 1958) is 4·4 times lower than the corresponding rate among homicide offenders in Israel. The picture in England and Wales is completely different: Morris and Blom-Cooper (1964) report that over the period of 1900–1949 as many as 21·4 per cent. of persons brought to trial were found either unfit to plead or guilty but insane (a rate which is 1·8 times as high as in Israel). However, since 1957 the percentage of apprehended homicide offenders found unfit to plead or guilty but insane fell to 13 per cent. (about the same rate as that found in our study). Those successfully pleading diminished responsibility formed an additional 14 per cent. of the total number indicted for capital or non-capital murder. The introduction of the Homicide Act 1957, in England and Wales is, as presented above, a good example of how changes in the law affect the criminal statistics.

As regards infanticide, Wolfgang (1958) reports that 1·9 per cent. of victims in his study were infants under one year of age. There is no information in his study as to the number of offenders involved in these cases of infanticide.

Table 1 shows in a very clear way that the distribution of the three ethnic groups differs significantly as regards the type of homicide. Non-Jews are almost exclusively concentrated in the murder and manslaughter groups, the other types being very rare among them. Homicide followed by suicide is especially characteristic of Western Jews: it comprises more than a quarter of all homicide offenders in this ethnic group and, as seen, the rate of this type among Western Jews is 2·5 times as high as among Oriental Jews and 14 times as high as among non-Jews.

It is of interest to note that, considering the four countries mentioned above (Denmark, England and Wales, Australia and the United States of America), there is an inverse relationship between the rate of suicide cases among homicide offenders and homicide death rates in these countries. In a table presented by Wolfgang and Ferracuti (1967, pp. 274–275), we find the following homicide death rates per 100,000 population: in Denmark—0·5; in England and Wales—0·6; in Australia—1·6 and in the United States of America—4·5. In order to explain this relationship, another variable has to be taken into consideration, namely the suicide death rate in these countries. Stengel (1964, Table 1) presents these rates per 100,000 population for the years 1951, 1955, 1959 and 1961. Computing the average suicide death rate for these years we obtain the following rates: in Denmark—21·4; in England and Wales—11·75; in Australia—10·7 and in the United States of America—10·4.

All the data presented above lead to three main conclusions:

1. There is an inverse relationship between homicide death rates and suicide death rates. This conclusion is by no means a new or original one and is discussed and studied by numerous researchers, among them Henry and Short (1954), Gold (1958) and others.
2. There is a direct relationship between the suicide death rate and the rate of homicide offenders committing suicide after their crime.
3. There is an inverse relationship between homicide death rates and the rate of homicide offenders committing suicide after the crime. (This third conclusion is a logical outcome of the two previous ones.)

Now let us examine whether the above conclusions are applicable when comparing the three ethnic groups in Israel with each other. The mean annual rate of homicide offenders per 100,000 population in Israel is⁵: for non-Jews—4.00; for Oriental Jews—1.07 and for Western Jews—0.59. No precise information is available as yet regarding the differential suicide death rates of these ethnic groups. However, a recent study on suicide (Drapkin *et al.*, 1974) provides us with the ethnic distribution of all persons who committed suicide in Israel during the years 1962–66. Although this period is not identical with that of our homicide cases, it may nonetheless help us to test the applicability of the above conclusions to the situation in Israel. The ethnic distribution of suicide cases in the study of Drapkin *et al.* is as follows⁶: Western Jews, 67.8 per cent.; Oriental Jews, 25.6 per cent.; non-Jews, 6.6 per cent.; (N=854).

These figures, together with those of our study, provide full support to all the three above-mentioned conclusions: Western Jews show the lowest homicide rate, the highest suicide rate and also the highest rate of homicide followed by suicide (Table 1). On the other hand, non-Jews show the highest homicide rate and the lowest rate of suicide and homicide followed by suicide. Oriental Jews fall between these two extreme groups on all the three variables: their homicide rate is higher than that of Western Jews but lower than that of non-Jews, while their suicide and homicide-suicide rates are lower than those of Western Jews and higher than those of non-Jews.

Thus, we may conclude that the relationship between homicide, suicide and homicide followed by suicide among the main ethnic groups in Israel is essentially similar to the findings in other countries.

The rate of insane offenders in the present study is almost equal among Western and Oriental Jews and is more than six times as high as among the non-Jews. With regard to infanticide, the numbers are much too small for empirical generalisations.

It is quite justifiable to look at the first two types of homicide (murder and manslaughter) as representing the “normal” example of homicide, while the third and fourth types (*i.e.* homicide-suicide and offenders declared

⁵ The rates were computed from the figures in *Statistical Abstracts of Israel*, 1966, 17, Table B/1, and from Publication No. 215 of the Central Bureau of Statistics, Jerusalem, 1967, Table 1.

⁶ The percentages do not represent the suicide rate of the three ethnic groups. However, it should be stressed here that the proportion of Western Jews in the general population is much lower than their contribution to the population of suicide cases. On the other hand, the percentage of Oriental Jews and non-Jews in the general population is much higher than their share among suicide cases.

insane) are cases in which some basic psychopathology is involved. Taking this viewpoint, we may conclude that almost all (93 per cent.) non-Jewish offenders are normal persons (at least from the legal point of view) who commit "normal" or "classic" homicides. Among Oriental Jewish offenders this part comprises about two-thirds (66 per cent.), while among Western Jewish offenders it goes down to only half (51 per cent.) of the offenders. Almost half (49 per cent.) of the Western Jewish offenders belong to the "psychopathological" classification as compared to less than one-third (29 per cent.) among Oriental Jewish offenders. Again, and as will be shown on other variables as well, the two extreme ethnic groups are: on the one hand the Western Jews, on the other, the non-Jews, with the Oriental Jews located between these two extremes.

The Problematic History of the Homicide Offender

By problematic history we include here physical as well as mental disorders, deviant behaviour (*i.e.* previous convictions), and previous hospitalisations.⁷

Table 2 shows that, of the 200 offenders about whom information was available, only 30 per cent. did not show any kind of previous disturbed or

TABLE 2
Distribution of offenders by ethnic origin and the type of first known disturbed or deviant behaviour

	Oriental Jews %	Western Jews %	Non-Jews %	Total %
Homicide	36.4	18.4	29.2	29.5
Other offences	40.9	50.0	66.7	55.0
Mental disturbance and others	22.7	31.6	4.2	15.5
Total	100.0	100.0	100.1	100.0
N	(66)	(38)	(96)	(200)

$G=25.8821$; d.f. = 4; $p < 0.001$

deviant behaviour. This finding means that the homicide offender is in most cases a person who previously showed clear overt signs of maladjustment. The most frequent indication of maladjustment is shown by previous offences (55 per cent. of all offenders) while mental and other disturbances affected only 16 per cent. of the offenders. As seen, the distributions of the ethnic groups differ significantly: among Oriental Jews we find the highest rate of cases (36 per cent.) in which no disturbances occurred previous to the homicide; among Western Jews the highest rate of mental and other disturbances (32 per cent.) is found while among non-Jews there is the highest rate of previous offences (67 per cent.) as the first known disturbance. The extremely low rate of non-Jewish offenders showing mental disturbances has already been mentioned. It is worth pointing out that half of the Western Jewish offenders started their maladjustment career by a clash with the law.

In Table 3, various pathologies related to the homicide offenders are presented.

⁷ The information as regards these variables was collected from the files of the prison service. Therefore all homicide-suicide cases (as well as other offenders who were not sent to prison) are not included in the following tables.

Table 3

Distribution of offenders by ethnic origin and various pathologies prior and/or after the homicide.*

	Oriental Jews %	Western Jews %	Non-Jews %	Total %
1. Physical illness or handicap any time prior to the homicide	42.1	54.3	15.9	32.2
Total N	(57)	(35)	(82)	(174)
($G=21.0691$; d.f.=2; $p<0.001$)				
2. Bad health condition immediately prior to the homicide	28.0	35.0	7.6	19.4
Total N	(50)	(31)	(79)	(160)
($G=15.2327$; d.f.=2; $p<0.001$)				
3. Hospitalisation for physical disorders before or after the homicide	19.5	50.0	9.0	18.4
Total N	(41)	(22)	(78)	(141)
($G=16.7208$; d.f.=2; $p<0.001$)				
4. Hospitalisation for mental disorders only after homicide†	20.6	29.3	2.4	14.4
Total N	(63)	(41)	(83)	(187)
5. Hospitalisation for mental disorders only before or before and after homicide†	22.2	22.0	3.6	13.9
Total N	(63)	(41)	(83)	(187)

*Percentages in each ethnic group were computed out of the total number of subjects in that group about whom information was available. This number appears (in brackets) in each category as Total N. The percentages in each column, therefore, do not add up to 100.0.

† $G=42.9655$; d.f.=4; $p<0.001$. (This G value applies to both categories 4 and 5 as they were both part of one table. The third category in that table was "No mental hospitalisation.")

With regard to severe physical illness or handicap previous to homicide (such as tuberculosis, ulcer, heart disease, serious accidents, etc.), the data on Table 3 (category 1) show that 32 per cent. of all the offenders on whom information was available did suffer at some time previous to their capital crime from such illness or handicap. Again, there are significant differences between the ethnic groups: while among non-Jewish offenders the rate is only 16 per cent., among Western Jewish offenders it is 3.4 times as high (54 per cent.) and among Oriental Jewish offenders 2.6 times as high (42 per cent.).

Another related variable which was within our field of interest is the offender's general health condition immediately prior to the homicide. This variable is basically different from the previous one which referred to any time in the past of the offender. Category 2 in Table 3 shows that only 19 per cent. of all offenders were defined as not healthy immediately prior to the homicide. Among Western Jews this rate (35 per cent.) is 4.4 times as high as among non-Jews (8 per cent.) while among Oriental Jews (28 per cent.) it is 3.5 times as high as among non-Jews. This finding is consistent with our previous findings which indicate that in general the non-Jewish offenders suffered less than the Jewish from previous physical as well as mental difficulties. This conclusion is strongly supported by the findings of categories 3-5 in Table 3 providing information about hospitalisation for physical as well as mental disorders. In category 3 we find that, in general, only 18 per cent. of the offenders were hospitalised for physical disorders before or after the homicide. However, among Western Jews this rate is

much higher and amounts to 50 per cent. which is 5·6 times as high as among non-Jewish offenders (9 per cent.), and 2·5 times as high as among Oriental Jewish offenders (20 per cent.). As to hospitalisation for mental disorders, we find in category 4 that 14 per cent. of our offenders were hospitalised only after the homicide. Another 14 per cent. were hospitalised for mental disorders either only before, or before and after the homicide (see category 5). As we know already from our previous findings, cases of mental disturbance are extremely rare among non-Jewish homicide offenders. Table 3 provides further support to this conclusion. On the other hand, this table indicates that among Western Jews, 51 per cent. of the offenders were hospitalised for mental disturbances before and/or after the homicide. The corresponding rate among Oriental Jews is only a little lower (43 per cent.). This high frequency of mental disorder among Jewish homicide offenders as compared to the non-Jews is of very great importance in the distinction between these two main ethnic groups as regards the crime of homicide.

Some findings obtained by Palmer (1960) are of special relevance to our findings about the offender's problematic history. Palmer compared murderers with their brothers and arrived at the conclusion that the murderers apparently experienced physical and psychological frustrations which were significantly greater in number and intensity than those experienced by their control brothers. Among the murderers there was a significantly higher rate of severe visible physical defects from birth as well as extreme physical defects after birth. These physical defects (which were, in effect, social stigmata), together with some additional psychological frustrations, "swelled their reservoirs of aggression to a point where the aggression eventually would, and finally did, burst its confines violently" (p. 99).

Comparing our findings with those of Palmer, we see that the Jewish offenders in our study (especially Western Jews) show a relatively high frequency of physical illness, handicaps and hospitalisations. The same is true as regards mental disorders. Thus, Palmer's hypothesis of physical and psychological frustration as important contributing factors to homicidal behaviour can be applied to our Jewish offenders. However, this does not apply to the non-Jewish offenders in our study. In comparison with both Palmer's murderers and the Jewish offenders in our study, they seem to be significantly more "normal," more adjusted and less frustrated physically as well as psychologically.

Conclusions

The findings of the present study provide additional evidence of the distinct differences found in our previous study (Landau *et al.*, 1974) between the three ethnic groups investigated. Again, the two extreme profiles are those of Western Jews and non-Jews, while the Oriental Jews are located in between these two extremes.

Western Jews are the lowest as regards outward-directed personal violence (lowest homicide rate), and the highest as regards inward-directed violence (suicide and homicide-suicide cases). This group exhibits also the highest proportion of insanity among offenders, and of physical and mental problems prior to the homicide.

Non-Jews, being the highest as regards acting-out violent behaviour (highest homicide rate), are lowest as regards inward-directed violence (suicide and homicide-suicide). Among this group there is also the lowest proportion of insanity and of physical as well as mental problems prior to the homicide. Oriental Jews are located between these two extremes. They exhibit more acting-out violent behaviour than Western Jews but much less than non-Jews. On the other hand, they are much higher on inward-directed violence than non-Jews (the prevalence of suicide and homicide-suicide among them is much higher than among non-Jews but far lower than that of Western Jews). As regards insanity among homicide offenders, as well as physical and mental problems prior to the homicide, the characteristics of this group are generally closer to those of Western Jews than of non-Jews.

These findings support the interpretation of the findings of our previous study. In the case of Western Jewish offenders, homicide might be interpreted as a result of pathology on the individual-personal level (along the approach suggested by Palmer, 1960, 1972). Among non-Jewish offenders this phenomenon should be approached rather from the cultural point of view, *i.e.* these offenders are part of the Arab culture of the Middle East in which reliance on violence is in many cases a social norm or even a cultural-prescribed behaviour.⁸

As to the Oriental Jewish offenders, special attention should be paid to the factor of culture conflict (Shoham, 1962). It is true that most Jewish offenders in both groups are immigrants (as was the majority of the Jewish population in the country during the period covered by the study). However, there is no doubt that Western Jews, although being affected by their immigration, were initially better equipped for the readjustment into the Western-oriented Israeli society than were the Oriental Jews. The disruption of the traditional family structure and the need for a quick adaptation to an achievement-oriented society constitute sources of tension both in the inner system of the immigrant of this ethnic group and in his surrounding social environment. This tension may be considered as an important factor in a variety of behavioural pathologies, homicide being one of them.

Interpreting the findings in terms of general criminological theory, it seems that the most relevant one is the theory of subculture of violence (Wolfgang and Ferracuti, 1967). Some propositions of this theory could be clearly applied to the non-Jewish homicide offenders or rather to segments of the Israeli society from which they stem. Moreover, support to this theory from the other direction is provided also by the profiles of the Western Jewish offenders who are part of a culture of non-violence. Their profiles are in accordance with one of the hypotheses included in the propositions of the subculture of violence theory which were put forward as suggestions for further research. This hypothesis (no. 6) states: "Persons not members of a subculture of violence who nonetheless commit crimes of violence have psychological and social attributes significantly different from violent criminals from the subculture of violence; *i.e.* violent criminal offenders from a

⁸ For details about subcultures of violence in the history of the Middle East and other Mediterranean countries, see Gibbens and Ahrenfeld (1966).

culture of non-violence have more psychopathological traits, more guilt, and more anxiety about their violent behaviour." (Wolfgang and Ferracuti, 1967, p. 315).

However, at this point it should be stressed that the analysis of the profiles of the three ethnic groups as regards the crime of homicide is in the specific setting of the Israeli society. It would be undesirable to draw too general conclusions from this specific framework of place and time. In this context it is important to mention that the period of time covered by this study (1950-64), being the first years of the State of Israel, was characterised by a vast mass immigration of Jews into the country (especially during the late 1940s and the 1950s). Therefore, it would be of great interest to conduct a follow-up study in order to discover possible changes in the ethnic patterns of homicide in this society as a result of the social and political developments in this country in recent years. In such a study, as well as in other studies on violent behaviour, efforts should be made to test further hypotheses derived from the theory of subculture of violence in the special setting of the Israeli society.

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DELINQUENCY IN A NATIONAL SAMPLE OF CHILDREN

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THERE have been very few opportunities to carry out a prospective study of a large sample from the population in order to discover which of its members appear before the courts and which do not. The National Survey of Health and Development presents this opportunity, and this paper adds to the findings on the incidence of delinquency which have already been published (Mulligan *et al.*, 1963; Douglas *et al.*, 1966; Douglas and Ross, 1968; Douglas *et al.*, 1968; Douglas, 1970; Ross and Simpson, 1971). The National Survey's population is a geographically representative sample consisting of 5,362 legitimate, single born children drawn from the total population of children born in England, Wales and Scotland between March 3-9, 1946 (Douglas *et al.*, 1968). It comprises all non-manual¹ classes of children, all the children of agricultural workers, and one in four of all other manual working-class children born during the study week. The original population structure is gained by weighting this latter group with a factor of 4, but this does not compensate for the exclusion of illegitimate and multiple births. This population has been investigated at intervals of two years or less from birth to age 26 years.

A sub-sample was drawn from this group, consisting of all 2,196 male children alive and resident in England and Wales on their eighth birthday, and these represent 87.9 per cent. of the total National Survey population of 2,498 males. Information about this sub-sample's law-breaking was collected from official sources, and delinquents were identified and defined as all those who appeared before the courts and were found guilty of an indictable offence(s) or of a non-indictable offence(s), dealt with summarily, or who were cautioned by the police for such an offence. Of the 336 boys who were so defined (15.3 per cent. of the total sub-sample), 35 were cautioned only, three of them on two separate occasions.

The Incidence of Delinquency

The incidence of delinquency in the sample before and after compensating for the inclusion of only one in four of the manual working-class children is shown in Table 1. In the unweighted sample 15.3 per cent. of boys appeared before the courts or were cautioned, and in the weighted sample the figure is

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¹ Classified according to the Family Census of 1946 (Royal Commission on Population).

TABLE 1

The incidence of delinquency in two age bands: Unweighted and weighted figures

	No delinquency	First court 8 yrs-14 yrs One appearance	appearance or 11 months More than one appearance	caution 15 yrs-20 yrs One appearance	between ages 11 months More than one appearance	Total (=100%)
Unweighted	84.7 (1,860)	3.2 (71)	4.0 (87)	6.1 (134)	2.0 (44)	2,196
Weighted	82.1 (4,209)	3.6 (182)	5.6 (288)	6.8 (347)	1.9 (98)	5,124

17.9 per cent. If the definition of delinquency is restricted to those who were found guilty of a standard list offence the unweighted incidence figure is 12.2 per cent. and the weighted incidence figure is 14.9 per cent.

The representativeness of this population is shown by the comparison, in Table 2, of the incidence of guilt findings in the total population of England

TABLE 2

Incidence of guilt findings per 100,000 amongst those males aged 8 years in 1954, and so on, in the total population of England and Wales and the observed and weighted National Survey population

Age in years at each year	All English and Welsh boys of this age, guilty per 100,000*	Weighted National Survey English and Welsh boys of this age, guilty per 100,000	Observed National Survey English and Welsh boys of this age, guilty per 100,000
8 (1954)	291	234	137
9 (1955)	575	410	274
10 (1956)	859	469	548
11 (1957)	1,275	922	642
12 (1958)	1,793	1,612	1,009
13 (1959)	2,236	1,677	1,288
14 (1960)	2,946	2,647	2,027
15 (1961)	2,395	1,862	1,569
16 (1962)	2,448	2,484	1,758
17 (1963)	2,898	2,350	1,854
18 (1964)	2,653	2,731	2,323
19 (1965)	2,684	2,055	1,909
20 (1966)	2,700	2,265	1,779

*Source, Criminal Statistics (H.M.S.O.) for each year, Appendix III(a).

and Wales, the National Survey observed population and the National Survey weighted population. Since all National Survey members were aged eight years in 1954, and nine years in 1955 and so on, the English and Welsh figures are those for the population whose ages in these years correspond to those of Survey members. There are a number of reasons why the National Survey rates are lower than the national rate, even when weighted to compensate for the social class bias of the sampling procedure. The sample excludes all illegitimate or multiple births, and this is not compensated for by the weighting procedure. The sample also excludes immigrants arriving after the selected birth week, but is itself depleted over time by emigration

DELINQUENCY IN A NATIONAL SAMPLE OF CHILDREN

and death. Between ages eight and 20 years 1.9 per cent. of male Survey members resident in England and Wales were lost from the sample by emigration and 0.8 per cent. were lost by death. The National Survey population "at risk" of offending in any one year is therefore precisely known, but this is not so for the official published statistics, which are an estimate. There may also be some difference because of a system of notification of offenders to the National Survey. From ages eight to 17 years this was done on a regional basis in such a way that offences committed outside the boys' home region could have escaped notification, but from age 17 onwards a central notification system avoided this problem.

The incidence of delinquency and its relationship with the occupation of fathers when boys were aged 15 years is shown in Table 3. There is a considerable difference in the incidence of delinquency between sons of professional and salaried workers, and those of all other non-manual workers,

TABLE 3

Incidence of delinquency by father's occupation when boys were aged 15 years, unweighted and, in brackets, weighted figures

Classification of father's occupation	No delinquency	One offence	More than one offence	Total (= 100%)
Professional	94.2 (94.8)	5.1 (4.5)	0.7 (0.6)	137 (155)
Salaried	93.2 (92.9)	5.2 (5.2)	1.5 (1.8)	324 (435)
All other non-manual workers (black-coated)	84.5 (84.8)	12.1 (12.5)	3.4 (2.7)	265 (448)
Foremen and skilled workers	81.5 (80.7)	10.5 (11.0)	8.0 (8.2)	524 (1,742)
Semi-skilled	79.6 (79.7)	10.2 (9.5)	10.2 (10.8)	137 (464)
Agricultural	84.7 (84.5)	8.3 (9.7)	7.1 (5.8)	85 (103)
Unskilled	77.1 (76.2)	17.7 (18.0)	5.2 (5.8)	96 (294)
Self-employed	91.4 (91.3)	5.3 (5.9)	3.3 (2.8)	152 (392)

except in rates of those making more than one appearance between 15 and 21 years, where there is an upward trend from professional, through salaried and up to other non-manual workers. Amongst the manual workers the sons of unskilled fathers have the higher incidence of delinquency. In contrast, sons of agricultural workers have the lowest overall incidence of delinquency amongst all employed manual workers.

In an earlier paper from this study Douglas *et al.* (1966) observed that classification by father's occupation alone is "highly unstable as shown by the fact that during the first 15 years of the Survey more than half the families changed their occupational group on one or more occasions." Following their example, therefore, Table 4 shows the incidence of delinquency according to a scale based on social origins and education of the boys' fathers and mothers, and details of the composition of this scale are given in the Appen-

TABLE 4

The observed and, in brackets, weighted incidence of delinquency according to parental social group

Social group	No delinquency	First court appearance between ages				Total (=100%)
		8-14 yrs One appearance	15 months More than one appearance	15-20 yrs One appearance	11 months More than one appearance	
Upper middle	96.0 (96.4)	1.6 (1.4)	— (—)	2.0 (1.8)	0.4 (0.4)	251 (278)
Lower middle	88.2 (87.6)	2.9 (3.3)	1.4 (1.8)	5.6 (5.4)	1.9 (1.8)	692 (1,052)
Upper manual	87.4 (87.6)	2.0 (2.0)	3.2 (3.2)	5.7 (6.0)	1.7 (1.1)	349 (1,084)
Lower manual	77.9 (76.3)	4.4 (4.5)	7.3 (8.6)	7.7 (8.1)	2.7 (2.4)	904 (2,710)

dix.² As Douglas *et al.* (1966) noted, "this classification has the merit that, by the very nature of its derivation, it does not change from year to year." The highest incidence of delinquency is again found in the lower manual class, and the greatest difference between classes is amongst those who committed more than one delinquent act. Although in the unweighted sample the boys from families of lower middle and upper manual class origin have an almost exactly similar incidence rate, it differs amongst those recidivists who made their first appearance before age 15 years, and amongst these boys there are proportionately many more upper manual class boys. When the population is weighted to compensate for the sample bias the main difference is in the reduced percentage of upper manual class recidivists making their first appearance after age 15 years. Limitation of the delinquent population to boys who committed standard list offences reduces the proportion of offenders in the unweighted non-manual group by 32.6 per cent., and in the manual group by 15.6 per cent. All of these 68 losses except four are contained in the population who committed only one offence, and are proportionately greatest in the non-manual group amongst those first delinquent between eight and 15 years, and in the manual group amongst those first delinquent after age 15 years.

Age at first offence

Age at first offence is shown in Table 5. Mean age at first offence for the 205 boys who only committed one delinquent act before age 21 years was 15.4 years (sd 2.7) and for those 131 who committed more than one delinquent act it was 13.7 years (sd 2.7). Of all those who committed one offence 50 per cent. had done so before age 16 years, and 76.9 per cent. of recidivists had committed their first offence before this age. Whereas, in terms of social group, quite similar proportions of delinquents from non-manual and manual homes had committed their first and only offence by age 16 years (non-manual 46.3 per cent. and manual 52.8 per cent.), the proportions for recidivists were very different. Of all the 24 recidivists from non-manual homes 49.4 per cent. had committed their first offence before age 16 years,

² This classification is referred to as social class throughout the rest of this article.

DELINQUENCY IN A NATIONAL SAMPLE OF CHILDREN

TABLE 5

Age at first delinquency by boys committing one and more than one offence

Age in years at first delinquency	One offence		More than one offence	
	No.	%	No.	%
8	1	0.5	2	1.5
9	2	1.0	7	5.4
10	8	4.0	5	3.9
11	9	4.4	13	10.0
12	11	5.4	16	12.3
13	13	6.4	17	13.1
14	24	11.9	25	19.2
15	33	16.3	15	11.5
16	42	20.8	9	6.9
17	11	5.4	9	6.9
18	18	8.9	4	3.1
19	12	5.9	6	4.6
20	18	8.9	2	1.5
(Unknown)	(3)		(1)	
Total (excluding unknown)	202		130	

TABLE 6

Observed and weighted numbers of offences by type

Offence type	Numbers of offences committed by		Total observed offences (= 100%)	Total weighted offences
	Once only delinquents	Recidivists		
Serious motoring	2 (25.0)	6 (75.0)	8	17
Sexual	11 (64.7)	6 (35.3)	17	38
Violence other than sexual	8 (27.6)	21 (72.4)	29	92
Theft of property other than motor vehicles	96 (47.0)	108 (53.0)	204	603
Breaking and entering, trespass and damage to property	31 (33.7)	61 (66.3)	92	260
Disorderly behaviour, drunkenness, obstruction, carrying an offensive weapon	2 (20.0)	8 (80.0)	10	34
Theft of motor vehicles	14 (29.2)	34 (70.8)	48	126
Other offences	53 (43.8)	68 (56.2)	121	328

and of the 106 recidivists from manual class homes 83.0 per cent. had first offended before this age.

Types of offences

Offences are grouped into eight categories, and an explanation of the "other offences" group is given in the Appendix. Table 6 gives the total numbers of offences committed and the proportions committed by recidivists or others, and shows that recidivism is a feature of most kinds of offences,

TABLE 7
Custodial care in the observed and weighted National Survey population

Type of custodial care after sentence	Observed population		Weighted population			Total time spent in each type of care by the weighted population
	No. of boys	As % of all 336 delinquents	As % of total observed population of 2,196	No. of boys	As % of weighted population of 915 delinquents	As % of total population of 5,124
Prison	9	2.7	0.6	27	2.9	0.5
Borstal	13	3.9	0.6	40	4.4	0.8
Detention centre	22	6.5	1.0	61	6.7	1.2
Approved school	16	4.8	0.7	52	5.7	1.0
						20 yrs 9 months 14 days 9 months plus 43 unknowns 19 years 4 months plus 4 unknowns 3 years 51 unknowns

TABLE 8
The use of probation, and its effects in the observed and weighted National Survey population

	Total ever on probation		After probation		Further offences and custodial care
	No further offences	Further offences but no custodial care	No further offences	Further offences but no custodial care	
Observed					
Number	85	30	22	33	
As % of all 336 delinquents	25.3%	8.9%	6.5%	9.8%	
As % of total sample of 2,196 boys	3.9%	1.4%	1.0%	1.5%	
Weighted					
Number	245	76	61	108	
As % of all 915 delinquents	26.8%	8.3%	6.7%	11.8%	
As % of total sample of 5,124 boys	4.8%	1.5%	1.2%	2.1%	

with the exception of sexual offences, theft of property other than motor vehicles and "other" offences. It also shows the effects, on total numbers of each offence type, of weighting to compensate for the sample's social class bias. The effect of this is to double serious motoring and sexual offences, and to treble all other kinds of offences, except violence which it quadruples.

Mean age at first offence was highest in offences of violence against the person (17.7 years, sd 1.9), serious motoring offences (17.5 years, sd 2.0) and theft of motor vehicles (17.1 years, sd 1.8), and lowest in offences of damage to property and trespassing (14.2 years, sd 3.0) and theft of property excluding motor vehicles (14.6 years, sd 3.2).

Treatment of Offenders

Details of the Survey members' time spent in custody after sentencing are shown in Table 7. At some time between ages eight and 21 years 50 (2.3 per cent. of the observed population, or 3.0 per cent. of the weighted population) of the 2,196 boys in the sub-sample were in custodial care, that is 14.9 per cent. of all delinquents and 18.7 per cent. of all boys who committed a standard list offence. In addition four boys went to attendance centres and one boy was detained under a hospital order for ten months.

A quarter (25.3 per cent.) of all delinquents were at some time under the care of a probation officer, and Table 8 gives details of subsequent delinquency following probation. In the observed population 34.1 per cent. of all boys on probation did not offend again, 45.4 per cent. of non-manual class boys and 32.4 per cent. of manual class boys. The length of time spent on probation was not known in four cases, and excluding these the mean time on probation was 2.1 years (sd 1.21) and the total time on probation amounted to 174 years and nine months, or 519 years (and six periods of unknown time) for the weighted sample.

As well as the custodial forms of care and probation, 153 boys (45.5 per cent. of all offenders) paid fines, 47 (14.0 per cent.) were given a conditional discharge, one was placed in the care of the local authority, 35 (10.4 per cent.) were cautioned, and 10 (3.0 per cent.) were given an absolute discharge.

Conclusions

This article extends the previous report on the incidence of "official" delinquency in the National Survey of Health and Development (Douglas *et al.*, 1966) by the addition of incidence data up to the end of the Survey members' 20th year of age, and therefore covers all years from ages eight to 20. Like the previous article it considers the usefulness of two different social class classifications. It also shows that class differences are to be found not only in overall incidence but also in age at first offence committed by recidivists, but not others, and in types of offences committed. Treatment of offenders is also described, and details are given of the amount of custodial and other forms of care consumed by this sample.

Although the sample is drawn from all parts of England and Wales, it is biased towards non-manual classes. Weighting to compensate for this shows

that at most ages incidence figures of guilt findings compare favourably with official statistics for the whole population.

APPENDIX

Social Class Classification in the National Survey

The classification is based, for the most part, on the 1957 occupation of the father of the Survey child; where this is not known, on the 1946 occupation.

Upper middle class

The father is a non-manual worker, and

- (a) both parents went to secondary school and were brought up in middle-class families, or
- (b) both parents went to secondary school and one parent was brought up in a middle-class family, or
- (c) both parents were brought up in middle-class families and one parent went to secondary school.

Lower middle class

The rest of the non-manual workers' families.

Upper manual working class

The father is a manual worker, and

either the father or mother or both of them had a secondary school education, and/or one or both of them were brought up in a middle-class family.

Lower manual working class

The father is a manual worker, and

both the father and the mother had elementary schooling only, and both the father and the mother were brought up in manual working-class families.

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VICTIM-PRECIPITATED PEDOPHILIA OFFENCES

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IN recent years attention has been increasingly paid to the part the victim's behaviour plays in initiation of offences. Earlier the picture of a passive victim was dominating. Von Hentig (1948) stated, in a manner typical of the time, that the victims were vulnerable, apathetic, lonesome, and so on. Wolfgang (1958) attempted to balance this picture by stressing a more active role of the victim in offences. Later it has been stated that some victims precipitate the offences more than others. In recent years a new section, *i.e.* "victimology", has been developed for research into these aspects. When scrutinising the offender/victim relationship in general, a limited number of crimes, mainly murders, aggravated assault, sexual offences and robberies, have been focused on (President's Commission on Law Enforcement and Administration of Justice, 1967; National Commission on the Causes and Prevention of Violence, 1969).

Especially in sexual offences the crucial part played by the victim in initiation of the offence has been clearly observed. One-fifth of the forcible rapes Amir (1967) studied were "psychologically precipitated by the victims". Schafer (1968) noted that the more physical activity involved in a crime the better were the chances for observing the victim's eventual contribution to it.

Besides grown-up victims juveniles as well have often been found to act as initiators in or to consent to sexual acts without special seduction, threatening or violence (Mannheim, 1965). According to Witter (1972) active resistance on the part of a child victim appeared only in about one-fourth of the pedophilia cases investigated criminologically. The offender's threats and intimidations increased resistance. According to Witter, however, this was not true of a majority of pedophilia offences, particularly when the offences were committed by the elderly. In situations of this kind many children passively allow events to take their course or even take the initiative by coming to the offender, often bringing their playmates as well. Rasch (1963) has described the pedophilic situation to be often such that both the offender and the victim meet on a plane of mutual understanding. On the child's part it is unbounded sexual curiosity, which seeks support and satisfaction from adults. The offender, again, does not have to adapt himself to the level of a child, since his own mentality is already infantile. This, in turn, often has its roots in early damage to the brain. This premature cerebral debility has been stressed by Barylla (1965) among others. Furthermore Pondelickova *et al.* (1969) stressed in general the part of mental debility in pedophilia offences.

It has often been stated that in pedophilic offences the offender has, in many cases, been previously acquainted with the victim, which naturally fits in

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with the above-mentioned victimological aspects. In Turner's (1964) material two-thirds of the offenders were not strangers to the victims.

In this study the aim was to elucidate the state in which the offenders were prior to the offences, as well as the typical features of pedophilia offences which were not incestuous, where the victim's behaviour had a positive effect on initiation of the offence. These were compared with the cases which could not clearly be established as associated with the victim's precipitation. (Further on, victimological cases are referred to as subjects and others as controls.)

Method

In selecting the material all the pedophilia cases of the years 1951 to 1972, which had been subjected to mental examination at the Psychiatric Clinic of the Helsinki University Central Hospital, were studied. These numbered 64 and were thoroughly investigated. If clear indication was found that the victim or victims had precipitated the situation by their own behaviour the case was taken as a subject. This kind of precipitating behaviour was involved when the victim repeatedly, on his/her own initiative, visited the offender notwithstanding the fact that the latter committed unchaste acts, and/or the victim displayed some kind of initiative in the offence itself. On the other hand, those cases where some resistance, at any rate, or passive attitude could be verified, were taken as controls. As to the subjects sometimes the offender's own information had to be relied on. The subjects totalled 31 (48.4 per cent.) and the controls 33 (51.6 per cent.). The next step was a radical investigation of the documentation of the cases, including statements on mental state, and efforts were made to find answers to the questions mentioned above.

Of all victims females totalled 41 (64.1 per cent.) and males 23 (35.9 per cent.). Of the victims in the subjects females numbered 17 (54.8 per cent.) and males 14 (45.2 per cent.), whereas in the controls there were 24 (72.7 per cent.) and 9 (27.3 per cent.) respectively. When comparing these groups the difference was not statistically significant ($p > 0.01$).

The average age of the victims was about 9 to 10 years and no clear difference between the groups could be discerned. Here the age at the beginning of the offence was noted, for in some cases, in fact, the acts had continued for several years. If there were several victims, only the youngest of them was included in this study.

The offenders in the subjects were clearly older, their average age being 41.3 years, whereas that of the controls was only 30.7 years.

Results

In intelligence level a clear difference was to be observed between the groups. If all those were considered whose intelligence quotient was below 85 *i.e.* who were poorly talented at the most, these cases in the subjects numbered 24 (77.4 per cent.), in the controls only 11 (33.6 per cent.). This difference was statistically highly significant ($\chi^2 = 12.4$; $p < 0.001$). When only those cases were considered, whose intelligence quotient was below 67 *i.e.* who, at the most, were mentally slightly defective, there were only nine (29.0 per cent.)

cases in the subjects and seven (21.2 per cent.) in the controls. When comparing the groups the difference was not statistically significant ($p > 0.01$). Mental defectiveness (below IQ 85) in more than half of the subjects was, according to the psychological examination, a secondary phenomenon brought on by age or some other state of defectiveness, whereas in the controls this was absolutely true only in a few cases.

Of the subjects four (12.9 per cent.) and of the controls two (6.1 per cent.) were schizophrenics. In three cases a clear defective state was involved; these were in the subjects. Considering all the cases the illnesses had persisted approximately two to six years. In these circumstances no really acute cases were in question.

Previous criminality existed in a total of 12 (38.7 per cent.) of the subjects and in 20 (60.6 per cent.) of the controls. However, there was no statistically significant difference ($p > 0.01$) between the groups. In the controls, however, there were rather more cases of different offences against property. These were in the subjects 7 (22.6 per cent.) and in the controls 16 (48.5 per cent.). This difference was statistically almost significant ($\chi^2 = 4.66$; $p < 0.05$). There had been previous pedophilia offences in the subjects in five (16.1 per cent.) and in the controls in seven (21.2 per cent.) cases.

Of the subjects the victim had known the offender prior to the offence or offences in as many as 23 (74.2 per cent.) and of the controls only in 14 (42.6 per cent.) cases. This difference was statistically significant ($\chi^2 = 6.69$; $p < 0.01$). Usually a neighbour, close acquaintance or, for example, a person serving the children's family, was involved.

The offender had tried to corrupt the victim by bribery in as many as 23 (74.2 per cent.) cases of the subjects, while of the controls these totalled only 10 (30.3 per cent.) cases. When comparing the groups the difference was statistically especially significant ($\chi^2 = 12.3$; $p < 0.001$). Usually this bribery was carried out so that the offender enticed the victim, by giving candy or money, to his abode or some remote place. In many cases this bribery had been carried on already for a long time before the situation had started to gain sexual colour. Often, the offenders gave the victims presents, too, so that they would not mention the matter to their parents.

The victim was the object of the unchastity on only one occasion in as few as eight (25.8 per cent.) cases of the subjects, while in the controls these totalled as many as 24 (77.0 per cent.) cases. When comparing the groups the difference was statistically very significant ($\chi^2 = 14.1$; $p < 0.001$). In the subjects the victims had repeatedly become the objects of unchaste acts. In some of the cases these went on for years before the situation was revealed by a purely accidental circumstance like a playmate telling about it, and this led to prosecution. In the controls, by contrast, purely accidental cases were often involved.

In the subjects the victims numbered generally more than one. This was true of 20 (64.5 per cent.) cases, whereas in the controls this was true of only 12 (36.4 per cent.) cases. This difference was statistically almost significant ($\chi^2 = 5.07$; $p < 0.05$). In the subjects the situation was often such that the

first victim had, because of presents, etc. taken his playmates, among others, to the offender and they were also subjected to unchaste acts.

No violence was linked to any of the cases in the subjects, but this occurred in the controls, in one way or another, in a total of 13 (39.4 per cent.) cases. This difference was statistically especially significant ($\chi^2=15.3$; $p<0.001$). In the controls one of these acts of violence led to a capital offence; the offender became scared of the act he had committed and killed his victim because of it. In about six or seven cases a complete forcible rape took place. In some cases there was beating and in others the victim had been dragged by force into a forest, and so on.

Discussion

Pedophilic offences constitute apparently a group of offences towards which the general attitude is strongly negative. Obviously, facts of this kind have influenced people engaged in criminological investigation, with the result that facts relating to the victim's precipitation of the offence have not been investigated to any notable degree notwithstanding that these are quite obvious.

In this study we had to start with persons guilty of pedophilia offences and subjected to mental examination, in order to be able to clarify those questions which we wished to elucidate. In these circumstances, the question is how far representative these cases can be considered to be of all pedophilia offences. In Finland, where this study was carried out, it is customary that courts order the accused to have a mental examination, at which attention is paid to whether anything in the accused or in his documentation indicates psychic abnormality. Nevertheless, as regards sexual offences and cases of pedophilia in particular, the offence itself may be a sufficient reason for ordering the accused to have a mental examination. It is possible that, in the study material in general, states of schizophrenia, for instance, and other states indicating decline in psychic level are somewhat over-emphasised, merely because of the fact that these offenders are more easily caught than others. However, there is reason to assume that victimological aspects have not influenced orders for mental examination, since, although the relevant material originates from the past two decades, the discussion about such cases started only in recent years. Thus, the cases and the results may be regarded as representative even in a more general sense. Apparently, some pedophilia offences never lead to prosecution and consequently are not recorded by courts. Obviously, this is the case in particular when the offence is a minor one and the victim's precipitation very strong. Consequently, the number of offences in which the victim's co-operation was involved may in reality be even greater than in this study, but this does not necessarily influence to any great extent the variable distributions investigated.

The high prevalence of a low intelligence level in the subjects indicates that persons of this kind are likely to succumb readily in a victim-precipitated situation; this applies even more if there has been a decline in intelligence level due to age, a possible psychotic illness or some similar phenomenon. Generally, it can be said that in victim-precipitated cases "opportunity makes

the thief." Apparently, this is especially true when there has been a decline in intelligence and in the other psychic aspects and the person's control mechanisms have deteriorated in proportion to his possibly accentuated libido.

In the subjects there was previous criminality to almost the same extent as in the controls. In this connection it is appropriate to remember that the criminals in the subjects were distinctly older than those in the controls and thus they can be considered proportionally to have less criminality. Also the lesser occurrence of offences against property in the subjects indicates that they are less prone to habitual criminality of a different kind.

As to whether the victim knew the offender, the results of this study are fully in conformity with the previous observations of all pedophilia offences, according to which the offender often knew the victim. The results indicate that this is especially true of victim-precipitated offences. The fact that each victim became several times the object of the acts is in itself a proof that the victim co-operated in maintaining the situation. Normally this was done by just visiting the offender repeatedly. The large number of victims resulted from the fact that the original victim usually brought his playmates too.

Aggressive features did not seem to be linked at all to the victim-precipitated offences. The study indicated that aggressive behaviour was not as a rule characteristic of these offenders; on the other hand they seemed to be in a pronounced manner gentle, fond of children and benevolent. Obviously, these characteristics contributed to the parents generally consenting to the children's visits to persons of this kind. In these circumstances a relatively long time, sometimes even years, can elapse before the parents even start to suspect that there is something wrong between these persons and the children.

Summary

The purpose of this study was to elucidate the typical features in those pedophilia cases, not incestuous, where the initiation of the acts was associated with the victim's precipitating behaviour. The study consisted of 64 cases of pedophilia, of which 31 (48.4 per cent.) had these characteristics. These manifested themselves in visits made to the offender on the victim's own initiative and in taking some kind of initiative in the offence itself. In those cases where features of the victim's precipitation were involved, the offenders had clearly a weaker intelligence than other pedophilia offenders and usually their intelligence level had declined secondarily as a consequence of different brain processes, chronic schizophrenia, etc. They had less criminality of other kinds, especially in relation to offences against property. The victims had more often known the offender and the offences had more often been linked with bribery, in the subjects than in the controls. Also the victims became the objects of the offences more than once, and there were more often several victims, in the subjects than in the controls. No aggressive behaviour, in contrast to the controls, was linked to the victim-precipitated offences.

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DRUG-TAKERS IN AN ENGLISH TOWN

Factors Associated with the Use of Injected Drugs

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A REVIEW of recent research on drug-takers (Plant, 1975) suggested that most studies have been concerned with persons receiving medical treatment (Stimson, 1973; Woodside, 1973; Ritson *et al.*, 1973), convicted offenders (Noble, 1970; Noble and Barnes, 1971; Cockett, 1971) or surveys of relatively homogeneous populations such as students (Binnie and Murdock, 1969; Hindmarch, 1970; Young and Brooke-Crutchley, 1972) or school pupils (Wright, 1968; Wiener, 1970). Much of this research has emphasised the pathological aspects of drug-taking. This is attributable to the difficulty of locating drug-takers who are not known as such because they require help or are identified by law enforcement agencies. This emphasis on pathology has not been counteracted by student or school surveys, since these have seldom assessed the effects of drugs upon these groups. Also most surveys of drug-takers outside institutional settings have involved only a single, brief contact between researcher and subject, and few have used more than one way of eliciting information, so that it has seldom been possible to assess the reliability of data collected.

It is suggested that individuals known to "official" agencies are likely to be unrepresentative of other drug-takers. Therefore, in the present study, drug-takers were contacted, not through such agencies, but through networks of friends and acquaintances in the community. This produced a much more varied and probably less "abnormal" group of drug-takers than appear in clinical studies. A similar approach has been adopted by Goode (1970) and Reeves (1972).

Another merit of this technique in relation to drug-taking is that it permits contact with individuals who may fail to co-operate with a more orthodox survey and who may be unknown to official agencies. In addition, it is possible by informal field contact to locate vagrants and those without permanent homes who are unlikely to be involved in a sample survey based upon addresses, yet who are important to consider in relation to drug-taking.

During the course of this study, field notes were kept on more than 300 individuals. A study group of 200 drug-takers were interviewed. Amongst the background details examined were age, sex, marital status, separation from parents, socio-economic status and drug histories. In addition, factors such as parasuicide, alcohol use, illegitimate children, education, low social

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status, delinquency, drug convictions, housing conditions and family background were investigated. In this article the differences between those who had, and those who had not, injected drugs, are examined and discussed.

This study was designed to examine the life-styles, values and drug histories of a group of drug-takers in the community, so that differences between those with varying levels of drug involvement could be assessed.

Method

The study covered the period August 1970–October 1972. The researcher established informal, friendly contact with several groups of drug-takers in the Cheltenham area, and carried out a participant observation study of their life-styles and drug use. During this period the researcher was quiet open about his identity, and was generally well received as an observer. Fieldwork involved extensive and often close contact with drug-takers and a great deal of information was collected in the form of field notes which later served as a check against more formalised interview data.

The study group were located by a method of data collection known as "snowballing". This involved the researcher locating one drug-taker who then introduced him to others. This method is discussed by Polsky (1969, pp. 115–147). It must be emphasised that this approach depends upon individual contacts between the researcher and his subjects, and cannot be replicated in the manner of a sample survey. Snowballing is unlikely to locate a representative group of drug-takers and will certainly miss isolates; hence it does not provide a basis for a precise estimate of the prevalence of drug-taking in the community.

Virtually all the drug-takers encountered during informal field contacts were frequent cannabis users. For this reason cannabis use was the criterion used to select the 200 people in the study group. Only individuals were included who had used cannabis at least six times. It was intended that this provision would exclude those with only a casual interest in drugs. A similar criterion was used by Reeves. There was an emphasis, both during informal encounters, and in the selection of the study group, upon individuals with greater drug experience. This preference certainly biased the nature of the study group. (A full exposition of the method and details of the interview schedule are available elsewhere.)

Results and Discussion

Background characteristics of the study group (N200)

159 respondents (79.5 per cent.) were aged 18–25. 47 respondents (23.5 per cent.) were females. The predominance of males may have been partly attributable to the fact that the researcher, a male, had readier access to other males. The ratio of males to females resembles that in Goode's snowballing study in America. Only 18 individuals (9.0 per cent.) were married. A further 34 (17.0 per cent.) were cohabiting. 162 individuals (81.0 per cent.) were no longer living with their parents or guardians. 120 individuals (60.0 per cent.) came from families headed by a non-manual worker. The predominance of those from non-manual backgrounds is similar to Reeves'

findings in Southern Hampshire which also used participant observation and snowballing to locate drug-takers in the community.

Drug histories of the study group

172 individuals (86.0 per cent.) reported that they had used other drugs apart from cannabis. This probably reflects the study's emphasis on experienced, rather than casual, drug-takers.

<i>Drugs Used</i>	<i>N</i>	<i>%</i>
Cannabis	200	100.0
Hallucinogens	155	77.5
Amphetamines	108	54.0
Hypnotics	93	46.5
Miscellaneous medical, not prescribed	62	31.0
Raw opiates	33	16.5
Manufactured opiates	30	15.0
Cocaine	30	15.0
Miscellaneous non-medical	22	11.0

Usually initial drug use had been followed by some experimentation. Thereafter, a reversion to fewer drugs or a single drug was widely reported. The great majority of those observed and interviewed were primarily cannabis users and most of those who had used other drugs reverted to cannabis. 12 individuals (6.0 per cent.) had discontinued drug-taking completely.

Categories of respondents

In order to distinguish between those interviewed, three sub-groups are identified. There was great variation within each of these categories, as well as overlap between them.

- (a) *Students*. Seventy-three respondents (36.5 per cent.) were full-time students.
- (b) *Home or work-centred*. Forty respondents (20.0 per cent.) were non-manual workers or school pupils.
- (c) *Low-status unemployed or manual workers*. Eighty-seven respondents (43.5 per cent.) were in this category.

The injectors

Thirty-one individuals (15.5 per cent.) reported that they had used heroin or other injected drugs such as morphine, methedrine, barbiturates or methadone. Several respondents stated during fieldwork that, in their view, there was not such a "heavy scene" (deep involvement) in Cheltenham as in other towns such as Southampton. This is substantiated by Reeves.

Those who had injected drugs were distinguished from other respondents in several respects:

Parasuicide (attempted suicide). Seven of the injectors (22.6 per cent.) reported having made at least one para-suicidal act, compared with only 14 (8.3 per cent.) of the other respondents ($\chi^2=4.2775$, dfr, $P<0.05$).

Heavy drinking. Ten of the injectors (32.3 per cent.) reported that they were "heavy drinkers," or that they had a "drinking problem," compared with only 16 (9.5 per cent.) of the other respondents ($\chi^2=10.0993$, dfr, $P<0.05$).

Illegitimate children. Eight of the 22 male injectors (29.6 per cent.) had fathered at least one illegitimate child, compared with seven of the other 126 males interviewed (5.5 per cent.) ($\chi^2=11.9778$, df1, $P<0.001$).

Lack of educational qualifications. Ten of the 31 injectors (32.3 per cent.) had no educational qualifications, compared with only 25 of the other 269 respondents (9.3 per cent.) ($\chi^2=12.083$, df1, $P<0.001$).

Low-status unemployed or manual workers. Consistent with the association between injection and lack of educational qualifications, the injectors were more likely than other respondents to be low-status unemployed or manual workers, 28 (90.3 per cent.), compared with only 59 (21.9 per cent.) ($\chi^2=59.8637$, df1, $P<0.001$). It is important to note that 11 of the injectors (35.8 per cent.) who were unemployed or in manual jobs had fathers who were non-manual workers. Only seven other respondents (4.1 per cent.), had moved downwards in status ($\chi^2=27.7080$, df1, $P<0.001$).

Delinquency. Ten of the injectors (32.3 per cent.) had been sent to borstal, detention centre or prison for a non-drug offence, compared with only six other respondents (2.2 per cent.) ($\chi^2=43.8714$, df1, $P<0.001$). Altogether 129 (64.5 per cent.) of the study group reported that they had never been in trouble with the police.

Dangerous drug offences. The findings in relation to non-drug convictions were paralleled by those in relation to drug offences; 13 of the injectors (41.9 per cent.) had been convicted for a drug offence, compared with only 16 other respondents (9.5 per cent.) ($\chi^2=19.7319$, df1, $P<0.001$).

Other factors. Although 27 of the 31 injectors (87.1 per cent.) were males, compared with 126 of the other respondents (74.6 per cent.), this was not a significant difference. Injectors were not significantly more likely than others to be living at densities of more than 1.5 persons per habitable room, or to report that their parents were divorced or separated.

The general conclusion, based upon extensive informal observations, as well as interview data, is that the drug-takers in this study were very varied. There is a "junkie stereotype" which has sometimes been applied to all drug-takers, based upon the case histories of people physically dependent upon drugs, and described by De Berker and De Berker (1973, 141, para. 1) in these terms: "The world of the junkie is a narrow one. He lives for his 'fix', he has turned his back upon the ordinary world . . . for nothing outside his heroin obsession can attract his interest or make a claim upon his reduced energy."

The great majority of those encountered during fieldwork or interviewed were quite unlike this stereotype. Most were working or at college and, so far as could be ascertained, seemed to cope with their education or careers. Most of the students and non-manual workers interviewed were hostile to the idea of injecting drugs: only seven non-injectors (4.1 per cent.) stated that they wanted to use heroin, and all of these asserted that they believed injection to be a dangerous practice and intended to try it only once or twice. The view that injection was "deviant" was even held by some injectors, of whom only three were injecting regularly and judged to be physically dependent at the time of interview.

Informal discussion revealed that amongst students and non-manual workers there was a stigma attached to injection; "Why should I want to fix (inject drugs)? I want to lead a happy, useful life. Junkies have a full-time job just fixing and scoring (obtaining drugs). That's not really living." This statement (made by a student during interview) was a typical one. This finding is consistent with that of Young and Brooke-Crutchley (1972) in relation to student cannabis users.

The injection of drugs was widely regarded by the non-injectors interviewed as an "extreme" form of behaviour. Some drew a parallel between injection and alcoholism. This is borne out by the association between heavy drinking and drug injection. The latter was eschewed by virtually all those with "conventional" non-manual occupations and educational attainments. On the other hand, the researcher encountered more than 50 manual workers in Cheltenham who reported that they and their friends had at some time injected drugs, though usually this had been only experimental. Conversations with drug-takers revealed that some of the low-status unemployed or manual workers saw themselves as deviant or delinquent. Indeed, many had unusual or disturbed biographies.

Observation suggested that drug use was determined by drug availability and the attitudes of close friends and associates regarded as exemplars. Only seven of the 200 respondents (3.5 per cent.) reported that they had first used drugs alone, and most stated that they always used drugs in company with others. In many ways, injection was regarded as a token of alienation from a "conventional" or "straight" identity, and of preoccupation with the role of drug-taker. There was a scale of prestige amongst the low-status sub-group, based in part upon the range of drugs one had taken.

Field observations and interview data support the view that "being a drug-taker" was more important than the effects of any single drug. Within the drug scene there were many disparate groups with different life-styles, social positions and levels of drug experience. Most certainly the students and non-manual workers interviewed appeared to be peripherally involved with drug-taking. The conclusion is reached that amongst drug-takers in the community those who inject drugs are likely to differ markedly from those who do not, and constitute a distinctive group within the drug scene as well as within the overall population.

Summary

The differences between drug-takers in the community have seldom been examined in depth. In this study of non-institutionalised individuals, those who had injected drugs are compared with those who had not.

Primarily an observation study, this involved extensive fieldwork during which information about life-styles and drug use was collected. In addition a study group of 200 respondents were interviewed to gather detailed biographical information. Those interviewed and observed were a varied group, and did not conform to any single stereotype. The injectors were distinctive in several respects, and it is concluded that, in comparison with non-injectors, they were an "extreme" and deviant group. The injectors were more likely

than other drug-takers to have disturbed biographies and to be deeply involved with the life-style of the drug scene. The evidence of this study suggests that the injector, far from being typical of those within the drug scene, is stigmatised by, as well as being far more "deviant" than, other drug-takers.

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NOTE

THE REFORM OF SENTENCING—RECENT REPORTS

J. E. HALL WILLIAMS

THREE important official reports have been issued during 1973 and 1974 concerning the reform of sentencing. These emanate from South Australia, Canada and the Council of Europe, Strasbourg. Each in its own way is significant, and the similarities and differences in the approach to the various problems discussed, and the recommended solutions, provide a fascinating and important contribution to the history of sentencing reform.

South Australia's Criminal Law and Penal Methods Reform Committee is presided over by Hon. Justice Flinders Mitchell, and the membership includes Professor Colin Howard of the University of Melbourne, assisted by Miss Mary Daunton-Fear, acting as consultant. The Committee in its First Report, *Sentencing and Corrections*, at first sight appears to make rather conservative recommendations, couched in negative terms, *e.g.* there should be no change in the pattern of sentencing whereby the legislature prescribes the maximum sentence, and leaves the subordinate sentencing authorities wide discretion in regard to particular offenders; there should be no sentencing by a separate sentencing tribunal; no minimum sentences prescribed by the legislature; no lay assessors to assist courts in sentencing; no jury sentencing. But a closer look reveals several quite radical proposals which are in line with much current thinking about the future of sentencing and parole. Thus, except in the case of life imprisonment, they do not recommend the use of indeterminate sentences at all, and they recommend that the Parole Board be discontinued and that responsibility for the release of prisoners be transferred to the courts. Sentences of imprisonment would consist of three parts, in principle, consisting of equal terms of imprisonment, parole and conditional release, with power to the courts to vary the proportions of each, and power to the Prisons Department to apply to the court for variations of the imprisonment, and the ex-prisoner, in some circumstances, could apply for variation of the parole parts of the sentence.

The Canadian Law Reform Commission published in March 1974 its Working Paper No. 3 on *The Principles of Sentencing and Dispositions*. Other papers will examine issues relating to imprisonment, deterrence, probation, compensation to victims of crime, and diversionary procedures. This article examines what are seen to be the core issues in sentencing and dispositions. It suggests a general approach to these issues, and argues that fairness and rationality would be encouraged by a legislative statement of principles and criteria. In a very intelligent survey the main purposes and principles of sentencing are reviewed. The difficulty of basing sentences on any notion of treatment, in view of the difficulty of showing any proven results in terms of crime reduction, is squarely faced, and it is said that it would be "unwise to base sentencing policy on rehabilitation and treatment". For most people, the value of deterrence lies more in the shame and stigma of conviction, rather than in the imprisonment which might follow, and the evidence

of the effectiveness of deterrence is thought to be slim. (No reference here to the researches of Professor Andenaes or Zimring and Hawkins.) There is strong encouragement for developing alternative procedures of a diversionary kind to provide for a wide range of rather minor offences, many of them property crimes, "where neither justice nor utility warrant the full exercise of the state's criminal law power". There may be difficulties in working out the procedure and providing some "consistent and rational means" for diverting such minor criminal cases from the court, but the possibilities certainly deserve careful investigation. Already discretion is exercised widely by police and prosecutor. Consent of the victim and the offender are seen as pre-conditions, and the court would have a role to play, perhaps in sanctioning a consent decree embodying the terms agreed. This might include restitution by the offender to the victim as well as offering the offender some services in respect of employment or his other needs.

The need for a legislative statement of criteria for sentencing is emphasised. This would require that priority be given to non-custodial sentences unless otherwise indicated, and would list the factors which ought to be weighed in reaching such a decision. The role of parole in any future arrangements is being critically reviewed, bearing in mind the evidence about its impact and effectiveness, and the need to observe standards of fairness in release procedures. There is no desire to move towards sentencing by a board of experts. Rather, the social scientists should be used in testing assumptions and providing evaluation in connection with sentencing policy and practices. Ensuring fairness in regard to decisions made in the course of prison administration may require the use of various techniques such as the correctional ombudsman or the *juge de l'exécution des peines* known to France and Italy. As for the improvement of sentencing decisions, judges might be required to give written reasons, especially in deciding on a custodial sentence. Decisions should be based on adequate information, and consideration should be given to the best use of pre-sentence reports. Finally, an important function of sentencing is seen to be the protection of certain core values in society. Given that this is so, the report suggests that it is vital to make clear what those values are.

Here is a theme which is reflected in the Council of Europe Report on *Sentencing*, the report of a sub-committee of the European Committee on Crime Problems, published in December 1974. The sub-committee (presided over by the writer) was asked to consider the factors which, "often unwittingly", influence sentencers, and to make recommendations about improving sentencing procedure and practice. The committee reviewed the research concerning discrepancies in sentencing, and took a look at European statistics concerning sentencing (there is an appendix by Dr. W. H. Hammond on the statistics). It also looked at the legal framework of sentencing in European countries, and the procedure whereby the judge chooses his sentence. This led to a fairly elaborate investigation of the relation between pre-sentence social inquiry reports and the court's final choice of sanction (including some interesting research on the practice in Scandinavia and the Netherlands). The prosecutor's role in relation to the choice of sentence proved too difficult to research, but there is an important appendix about the factors working in the minds of judges at the time of sentence and there is much discussion about training judges and requiring them to give reasons for sentencing choices. A judicial seminar with judges from 17 member countries was held in

NOTE

connection with the preparation of this report. Whether the judge should perform a further function after sentencing and supervise the actual administration of the sentence, by assuming the mantle of a supervising judge, is considered, and appendices give details of the system used in France, Italy and Western Germany in this regard. Finally, it is recognised that judges will increasingly be involved in making decisions about prisoners in contexts other than the choice of the actual sentence, and in many ways this is thought to be desirable. The report ends with a similar emphasis to that of the Canadian report, on the importance of the sentencing judge articulating the basic values of society which the criminal law of today seeks to protect. There is also the suggestion that the general direction of change in sentencing should be towards the relaxation of the severity of penal sanctions and greater individualisation of sentences, goals which can be achieved without necessarily diminishing the protection of society.

BOOKS AND PERIODICALS

REVIEW SYMPOSIUM

CRIME, CRIMINOLOGY AND PUBLIC POLICY: ESSAYS IN HONOUR OF SIR LEON RADZINOWICZ. Edited by ROGER HOOD. [London: Heinemann. 1974. 650 pp. £12.50.]

Crime, Criminology and Public Policy is a collection of 29 essays in honour of Professor Sir Leon Radzinowicz, edited by Dr. R. G. Hood. The breadth of subjects covered by these papers, and the internationality of their authors, make it a *festchrift* of which any man would be proud.

The two opening papers by Lord Butler and T. S. Lodge, on the setting up of the Cambridge Institute and the Home Office Research Unit respectively, are interesting but tantalisingly vague in parts. Butler's paper relates how, as Home Secretary of the day, he encouraged the creation of a centre for criminological teaching and research, and how this came to be located in Cambridge. It is told as a straightforward tale and whilst conflicts over the decision are alluded to, Butler, understandably in the present context, retains an elegant aloofness from such squabbling. This is probably as well since the squabbles are of little contemporary importance. However, the encouragement of criminological work by politicians is of continuing interest to any criminologist concerned about the relationship between theory and action. One therefore hopes that Lord Butler will be encouraged by the success of the present essay to write further about the relationship between the political instigation of criminological research, how criteria of success are to be defined, and how such research will relate to future political action.

Lodge's article on the other hand seems to have been constrained by what one assumes was a self-imposed Official Secrets Act. Memoranda are alluded to but not fully described, and decisions are mentioned but not fully detailed or explained. The result is a glimpse, but no more than a glimpse, at some of the historical reasons why the Home Office has pursued a research policy which to some outsiders has been puzzling. One can only hope that Lodge also is encouraged to write further on this subject.

The nature of the present volume also necessarily means that the account of one other important figure in these early days is missing: that of Sir Leon himself. Again, one can only hope that Sir Leon's response to these essays will be to provide us with his own account of the crucial period when an institutional structure for criminological research was created in post-war Britain.

The theme of the relationship between social groups, social theories and political (legal) action is pursued in four other essays in the book: those by W. G. Carson, Dr. R. G. Hood, Dr. A. E. Bottoms and Mrs. A. Morris.

Carson's article is about the passing of the 1833 Factories Act, but the purpose of this piece is not as such to explain why that Act was passed, but to examine what role symbolic elements play in the processes of law creation. The argument of the paper is that the use made of symbolic elements in previous studies of legal

emergence has been too crude, and we must instead conceive of the symbolic as an historically emergent property. The paper, as it stands, seems oddly unbalanced in that the historical scholarship which it displays seems far too big a sledgehammer to crack such a simple conceptual nut. The paper is obviously part of Carson's more general work on Factories Legislation and its enforcement, and he has used this to explore a particular theoretical aspect of the current debates in the sociology of law. However, this does illustrate one unfortunate weakness of collections of essays of this kind. Many of the papers seem similarly unbalanced if read alone and, since guidance is given neither by the editor nor the authors, it is left to the reader to place each piece in the broader framework of the authors' other work. The result is that one reads the papers by authors whose work one already knows with interest, but the others present a strangely enigmatic aspect.

Tony Bottoms' article is similar to that by Carson in that it uses the passage of a particular piece of legislation (in this case the Children and Young Persons Act 1969) to examine theories of law creation and legal change. Bottoms discusses the intricate web of political pressure, professional inter-group squabbles, etc. which led up to the Act and its contents. However, mere "pressure group histories" of legislation are becoming commonplace and it is to Bottoms' credit that he relates this to ideology and theories of delinquency. A part of the analysis is therefore about the logical inconsistencies which existed between these elements, but towards the end of the paper he opens the discussion into one of empiricist reflexivity by relating the previous analysis to theories of legal change. I confess to being unhappy with the use made of Kuhn's theories (notwithstanding Bottoms' own caveats), but it does seem to me that the paper is asking the right kind of questions about legal change and social theory.

I have stressed the theoretical orientation of both Carson's and Bottoms' papers, because it is this which separates them from the other two papers which discuss legal change. Mrs. Morris' paper makes an interesting comparison with that of Bottoms since she discusses the equivalent Act in Scotland, and in a superficial way her paper is similar. Small pieces of a sociological analysis are thrown in—we have discussions of the media and references to some sociology of law—but her heart is not really in it, and the strength of the paper lies elsewhere. Instead the paper is a good piece of legalism and, having discussed the arguments which led to the passing of the Act, it ends with a few well thought out criticisms.

Dr. Hood's paper is a much more complex exercise than a discussion of the passage of one piece of legislation. Instead its purpose is "to analyse the arguments which led to the adoption of the most significant non-custodial measures—the suspended sentence, financial reparation and community service by the offender." This is a large task and the paper has massive footnoting to match its careful detailing. In the end, however, the paper is unsatisfying precisely because it never transcends the level of detailed administrative reportage. The title of the paper "Criminology and Penal Change," together with its purposes, raises a promise which one would have expected would have been guided by some sort of notion about the relationship between theory, ideology and action. However, apart from a single rather obscure footnote, such issues are never discussed. The result is that I literally do not understand Hood's conclusion as to the part played by theory in penal change.

In a rather elliptical way some of these issues are taken up in Professor Walker's paper, and since it is the only essay about methodology it merits some mention. The argument of the paper correctly follows through an empiricist methodology, although at times the language almost obscures this—especially the use of the word "theory." The second half of the paper—an attack on the use of the concept of "formal causes"—is perhaps of most contemporary relevance. The argument is unobjectionable but what is not clear is whether the targets it is aimed at are real or straw men, and it is interesting that the careful quotations used in the first half of the paper disappear in the second. Labelling theory is mentioned as the target but so also is some neo-Marxist work, and the impression is created that the argument is aimed against all the new criminologies. Could it be that Walker thinks that all the new criminologies are labelling theories? Surely the mistake is too simple. He must mean that the new criminologies commit the same logical errors as labelling theory. Now this may be true but, since most of the new criminologies developed out of critiques of labelling theory, then the argument would have to be carefully referenced. Also Walker makes no mention of the fact that some of the new criminologies claim to be non-empiricist, and therefore the application of an empiricist-based critique to their work cannot be treated in a straightforward non-problematic way.

Paul Wiles

It cannot be all that often that it takes three reviewers to tackle one book, but that has happened here. The decision was made apparently that to review this book was beyond the intellectual resources of any one man and hence I find myself a member of a triumvirate. Come to think of it, though, the particular decision may signify no more than that a decision was reached that a single review was beyond the intellectual resources of any one of us, but I prefer the first, and more favourable, interpretation. At all events it is entirely in keeping with a book dedicated to Sir Leon Radzinowicz that it should be somewhat larger than life size. It is weighty and it is expansive. I might even add expensive, for at £12.50 it is the equivalent of five bottles of Scotch. I suppose in these days of escalating prices that may not be all that bad, but at the end of it all you feel (if you feel like me, that is) that you have earned yourself a stiff drink.

I have been assigned those articles which might be said to be more directly concerned with the court end of crime. Since, perforce, I did not begin at the beginning, I might as well begin at p. 509 with Herr Hans-Heinrich Jescheck's observation that "Anyone with an interest in law will find at present no field more attractive than criminal law." Now I can agree with that though I dare say that some souls, such as those mournful devotees of conflict of laws, would want to argue the toss about it. For Herr Jescheck, writing on "Modern Criminal Policy in the Federal Republic of Germany and the German Democratic Republic," it is clear that it is the fascination of change and the excitement of experiment that renders the subject so attractive. The pattern of change and experiment in many of the western democracies since the end of the second world war has been very similar. Professor Herbert Wechsler's authoritative article on "The Model Penal Code and the Codification of American Criminal Law" might, in its

essential details, constitute an account of many of them. There has been a general move towards codification, or re-codification, with a view to greater simplicity and greater rationality. There has been a general willingness to experiment in sentencing and penology. And not surprisingly in these days when information is so readily accessible and exchangeable many of the developments have been along very similar lines.

This pattern has not been the same the world over. Herr Jescheck shows that attitudes prevailing in the German Democratic Republic differ sharply from those prevailing in the Federal Republic and in the west generally. Behind the fence capital punishment is retained and is even thought to have a "humanistic character," imprisonment is possible for anti-social behaviour, rigorous police surveillance may be inflicted as a penalty, and the treatment of mental defectives is carried on in closed institutions. Equally depressing is Mr. Justice J. H. Steyn's account of "The Punishment Scene in South Africa" and I can only think that he was invited to contribute to this volume because he can write with elegance and is himself clearly a man of considerable learning and humanity. His country is a place of strange contrasts. There is, on what I have read, a civilised and sophisticated development of the principles of criminal law but there are criminal laws which ought not to exist in a civilised and sophisticated society. There are cruel and heavy punishments but there are judges, like Mr. Justice Steyn, who anxiously seek a more informed response to the criminal.

I am far from suggesting that all is well with us, and with our neighbours, but at least we are willing to take a fresh look at our laws and we will try almost anything when it comes to sentencing. Of course we have not made any great breakthrough—if by that we mean any significant reduction in the volume of crime—and progress in this area is bound to be painstaking. Sometimes I am inclined to the view, and this is more true of our reform of the criminal law than in sentencing and penology, that we are altogether too cautious and hidebound. There is a tendency to think within that established framework when more might be achieved by breaking away from it.

It is this willingness to break away from established thinking that, for me, makes Dr. D. J. West's "Thoughts on Sex Law Reform" so very refreshing. He begins from the premise that people should be free to behave as they wish and that the criminal law should be used only when that behaviour *can be proved* to interfere with the safety, privacy and freedom of others. Most of us would subscribe to that (though I would personally wish to add the qualification that the criminal law should be used even here only where no other kind of process is at least equally efficacious) but he differs from most of us in applying this principle with quite ruthless logic to the field of sex offences. I find his views for a radical recasting, and restriction, of the laws relating to sex offences almost wholly compelling and where I disagree with him, as I do with some of his suggestions relating to offences involving minors, I more than half suspect that this is because I cannot entirely free myself of my prejudices in the matter.

There is only one issue I would like, or have the space, to take up arising from Mr. D. G. T. Williams' article on "Prosecution, Discretion and the Accountability of the Police." Mr. Williams knows better than most of us just how far secrecy makes it difficult to know exactly what is going on and accordingly makes it diffi-

cult, or even impossible, to prescribe the appropriate measures. The effect of secrecy in relation to law enforcement agencies is, as he says, that "The ill-assorted and unpredictable flow of information makes it peculiarly difficult to assess the nature, scope and control of police discretion in law enforcement." Mr. Williams rightly points out that a degree of secrecy is needed to avoid serious invasions of privacy and to avoid handicapping law enforcement agencies. I would only like to add to this that the alternative to secrecy does not have to be full public disclosure; it is surely perfectly possible to devise methods which would protect these legitimate interests while allowing proper and independent research to provide law reformers with the information which they must have if they are to provide us with appropriate controls. There is too much secrecy. Mr. Harold Macmillan once said that it was a pity the Russians could not attend Cabinet meetings because they would discover that nothing very sinister was going on. Perhaps this is going too far, but there is no reason why, with safeguards for privacy and prejudice to current police work, we should not know what is going on. Mind, it has to be said that Mr. Williams shows that he knows a fair amount about what is going on and his essay makes compulsive reading.

In his article on "The Control of Discretion in the Administration of Justice" Mr. D. A. Thomas shows first of all that even within a modern criminal code the judge is left with a great deal of discretion in sentencing, and, secondly, that there are grounds for concern as to how this discretion is exercised. This brings a retort from Lord Justice James who is satisfied that judicial expertise operating within the existing system of appeals ensures that discretion is properly structured. I am not sure who wins this particular contest—it is clearly a close points decision rather than a straight K.O.—but one of the solutions (or half-solutions) I would offer is *drastically* to reduce most of the maximum punishments presently prescribed for crimes. Leaving aside a small hard core of dangerous offenders, I believe that prison sentences could in general be halved without making any appreciable difference one way or the other.

Lastly, Mr. Ken Greenwalt in "Perspectives on the Right to Silence" succeeds, in an ordered and calm essay, in breathing some life into a topic which I had thought to be pretty well clapped-out after the extensive treatment it has had of late.

Altogether, these are valuable essays. A worthy epitaph is provided by Mr. Justice Steyn: "The attainment of the ideal of a criminal justice system which is 'as rational and just as law can be' is within the reach of every society. Its attainment is essential should we wish to achieve long-term contentment and tranquility."

Brian Hogan

THE first two essays give first-hand accounts of major developments in the history of British criminology and penology, and they make fascinating reading. Lord Butler's narrative describes the negotiations which led to the setting up of the Institute of Criminology. When he was appointed Home Secretary, Butler was dismayed at the inadequacy of Home Office information and the miserably small use that had been made of the power to finance research. He saw in the Howard League's proposals for an Institute a means of encouraging the development of

criminology in the universities, and particularly of training the teachers and researchers who would be needed. It was singularly fortunate that the University of Cambridge, which already possessed in Leon Radzinowicz a criminologist "who combined both academic distinction and remarkable personal drive," responded promptly and enthusiastically to Butler's overtures; the alternative, London, "remained barely lukewarm." It is a characteristically modest essay, but there is no mistaking the importance of the venture or Lord Butler's far-sightedness and skill in carrying it through.

T. S. Lodge recounts the story of another strand in Butler's policy for promoting research—the setting up of the Home Office Research Unit. It appears that the close links between criminological research and the statistical services of the Home Office, which were to make it possible for Lodge to build up a team of real authority and originality in matters of research design, came about in a way that owed more than a little to chance. But there was nothing accidental about the way the Unit grew; Lodge saw the importance of defending his research team against attempts to harness it to the immediate needs and purposes of the Home Office, and did so with unfailing courage and determination. It was also vital to protect the recipients of Home Office research grants, in the universities, from official attempts to suppress findings that might be embarrassing. Lodge explains and defends his policy in this respect at some length, and in doing so gives a convincing answer to the rather intemperate criticism that has been voiced from time to time.

Roger Hood's paper is about innovation in the penal system and the manner in which advisory bodies arrive at, and advocate, new penal measures. He concentrates on the post-war period (in which, as he points out, there was general agreement that alternatives to imprisonment were needed), on three committees (the Advisory Council on the Treatment of Offenders, the abortive Royal Commission, and the Advisory Council on the Penal System), and on three penal devices introduced during the period. There is incisive criticism of the ineffectiveness of the traditional style of official inquiries, with their emphasis on written and oral statements of opinion (quaintly termed "evidence") and their neglect of systematic empirical information. When the Royal Commission was being set up, Radzinowicz argued that it ought to be supported by a strong technical secretariat and be empowered to commission research where existing information was inadequate for its needs. But his arguments were not heeded, and the A.C.P.S. and its sub-committees continued to transact their business in the same way—a fact that Hood finds especially surprising, having in mind the fact that the new Council included half-a-dozen academic criminologists, and might have been expected to "pay more attention to empirical evidence and . . . formulate its arguments in relation to academically derived knowledge—both theory and empirical data—about crime and the effects of penal sanctions."

Dr. Hood traces the bizarre history of the suspended sentence (a device that was emphatically rejected by A.C.T.O., but later included in legislation without being again referred to an advisory committee) and then focuses upon the Widgery and Wootton reports (and the Parliamentary debates in which the resulting legislation was considered) in an attempt to explain the perverse behaviour of the sub-committees that drafted them. He is especially severe in his criticisms of the Wootton committee: "... particularly in the case of community service, there was

no attempt to justify the new penalty in terms of a coherent analysis of crime, criminal behaviour or the effects of penalties. In other words, the part played by criminological analysis, theory and research was minimal." The transition from the first sentence to the second is so deft that the casual reader might think that one proposition implied the other, but it does not, and here is a weakness in Hood's argument. The often inept speeches of politicians, and the content of the Reports themselves, do indicate what arguments are thought to be appropriate to public debate about penal matters. (Many criminologists believe, as Hood clearly does, that public debate would be the better for a little factual information.) But one is not justified in inferring that *in their discussions* these sub-committees had neglected to take account of such "criminological analysis, theory and research" as might be relevant to their deliberations, or that they were content to work without proper research facilities of their own. But Hood persists in this line of criticism, and insists that the failure of the Wootton sub-committee to "provide a coherent and convincing criminological argument for its proposals" is—among other things—"an indictment of its distinguished chairman and members . . . (Lady Wootton's) own recommendations are, I believe, as ideologically based as those of Ruggles-Brise and Alexander Paterson." It is an odd comment and—taken literally—an unfair one. Of all the "expert" members of the Council, the Baroness Wootton was perhaps the least inclined to abandon the systematic, sceptical approach of a social scientist. What Hood is apparently trying to convey to the reader becomes clearer in his final sentence: ". . . the belief that expert advice based on criminological and penological research is the foundation for penal change is only a screen behind which ideological and political factors, perhaps inevitably, shape those attitudes which imbue legislation." It is a sombre conclusion, but one worth pondering.

Three contributions reflect Radzinowicz's energetic role in promoting international collaboration in criminology and in penal policy. Professor Inkeri Anttila describes the work of the Criminological Scientific Council of the Council of Europe, to which Sir Leon, as its first chairman, contributed both direction and impetus. Manuel López-Rey furnishes an analysis of the social defence policy of the United Nations, about which he, as adviser and former chief of the U.N. Section of Social Defence, is uniquely qualified to write. A paper by Marc Ancel on "The relationship between criminology and '*politique criminelle*'" ably translated by Leslie Hill and Alison Finch, is a model of succinct, elegant prose and deals with matters to which Sir Leon has often applied his formidable pen.

Two brief but valuable technical papers, by Karl Christiansen and Marvin Wolfgang, neatly underline the Institute's role as a centre of criminological research and criticism. Professor Christiansen offers a careful and sobering critique of the assumption, well entrenched in criminology, that differences in the rates of concordance for monozygotic and dizygotic twins can be simply interpreted as measures of the influence of heredity. Using data from the enormous Danish study of twins, he shows that what appears to be clear evidence of genetic transmission can be no less convincingly explained in other ways. Professor Wolfgang's "Crime in a birth cohort" is a precise and systematic treatment of the problems of defining the risk of delinquency, the probability of recidivism, and rates of "desistance," illustrating these methodological issues with examples from his investigations in Philadelphia.

Gordon Trasler

REVIEWS

THE USES OF THE AMERICAN PRISON: POLITICAL THEORY AND PENAL PRACTICE.

By JOAN SMITH AND WILLIAM FRIED. [Lexington, Massachusetts: D. C. Heath and Company. 1974. 160 pp. £8.00.]

ACCORDING to the authors, modern penal doctrine originated in the effort to reconcile liberal ideology, with its call for the restriction of state coercion, with imprisonment, already in wide use by the end of the seventeenth century and "a coercive measure in itself" by the end of the eighteenth century. The idea of the penitentiary helped resolve this seeming contradiction: the state would assist those unable to live lawfully in freedom to achieve the kind of inner constraints asserted to be needed. The legitimacy of such a penal doctrine rested on certain assumptions about the conditions under which citizens were obliged to conform to law. Specifically, the state was required to legislate fairly, to apply law fairly and; above all, not to interfere with the market-place in a manner exposing some citizens to, and protecting others from, its risks and ravages. Absent these conditions, the obligation to conform to law would be weakened or abrogated, and the legitimacy of coercive intervention by the state undermined.

It is not clear whether the authors believe these conditions ever obtained fully or at all. In any case, they do not obtain now. The law is unfair, providing harsh sanctions for the crimes of the poor but not for the crimes of the rich—when the harmful activities of the rich are defined as "crimes" at all. The law is applied unfairly, the poor and ethnic minorities being deprived of liberty more frequently and for longer periods even when equivalent law violations are at issue. Most of all, the realities of "state" or "corporate capitalism" mean that the state produces market-place conditions that are conducive to the law violations of those who are imprisoned. Since the state has not abandoned its liberal ideology, the obligation to conform to law has been weakened (for some, indeed, abrogated) and the legitimacy of coercion against law violators rendered questionable.

But the state has neither abandoned coercion, nor moved to establish, or re-establish, the conditions of its legitimacy. Instead, attention has been deflected from the social and economic causes of law violation (and the role of the state in producing and maintaining these causes) by defining crime as a personal pathology. The modern American prison is devoted to this definitional task, a task in which prison officials are increasingly assisted by scientists who seek the causes of criminality without reference to the political economy, and by other professionals offering purportedly context-free medical-psychiatric models for dealing with law violators.

All of this is set out in the Introduction and Chapters 1 and 2, pp. 1-44. Chapters 3 to 7, pp. 45-138, are concerned with the various ways in which prison officials attempt to reach their ideologically-dictated objective of showing that prisoners are pathological and, thus, deserve to be in prison.

The liberal ideology upholds an ideal of individualism. Thus, prisoners are expected to achieve a capacity for self-direction—while they are placed in a situation of total dependence. The result is a profound demoralisation of many pris-

oners. (Chap. 3, pp. 45–63.) The liberal ideology defines prisons as places where prisoners will be helped to achieve a capacity for autonomy through “treatment”. But examination of the actual operation of prisons, especially during crises, shows that prisoners are not the real clients of the professionals ostensibly employed to help them, since they can exercise no leverage over these professionals. And even if they could, such professionals have no real power to change the conditions under which prisoners are forced to live; the custodians retain all essential controls. (Chap. 4, pp. 65–85.) Committed to upholding liberal doctrine, which insists that criminals are incapable of lawfulness, prison officials construct rules which are bound to be violated and use disciplinary proceedings to dramatise the untrustworthiness of prisoners. Further, in the prison setting only rule violations, not conforming actions, become visible. (Chap. 5, pp. 87–101.) Classification and like procedures, designed to promote the myth that prisoners are fit subjects for rehabilitation, are mainly used for custodial purposes. The image of the law violator associated with rehabilitation conflicts with the image provided by conviction for a crime, the first limiting or denying the importance of the prisoner’s will, the second emphasizing it. This leads, at best, to confusion for both prisoners and officials. Such conflict and confusion are increasingly transcended by opting for “therapeutic punishment”, *i.e.* punitive measures defined as therapeutic. (Chap. 6, pp. 103–117.) Finally, prison personnel, including those who do research, are made to submit to practices that imply, and in some cases lead to acceptance of, the prison doctrine that prisoners are untrustworthy, dangerous, and pathological. (Chap. 7, pp. 119–138.)

The gist of the authors’ concluding chapter (8, pp. 139–143), in their own words, is as follows: “The American prison system is a response to specific historical factors. Hence, isolated penal reform will always frustrate because it fails to deal with the social structure, which is the basic determining factor of that system. And to the extent that the prison is successful in incorporating ceremonies and ideologies that mask its political nature, the possibilities for change are proportionately retarded. This is not to suggest hopelessness, nor is it to counsel against specific political acts against various aspects of that system.” (From pp. 141–142.)

To the best of my ability, that is an accurate summary of the authors’ main arguments. It may be, however, that my ability was not equal to the task which involved unwinding convoluted statements in atrocious prose apparently printed from galleys that had not been proof-read at all. I do not want to harp on these difficulties, nor take any great amount of space to illustrate them. But “ostensively” and “ostensibly” mean quite different things (pp. 28 and 68, among other places); “criterion” requires a singular verb (pp. xiv and xvi, among other places); the man’s name is “Erving” not “Irving” (p. 88), and the other men’s names are “Cressey” not “Creesy” (pp. 55 and 65) and “Lofland” not “Lopland” (on p. 129 *both* appear); and more, much more. For a finale, I invite the reader to assess the evidence presented in the following, not atypical, sentence (evidence given to support the contention that the poor are treated more harshly than the rich): “In all federal courts in 1971, 71 per cent. of those convicted of auto theft received an average sentence of three years, while at the same time 16.3 per cent. of those convicted of securities fraud were given an average term of 1.7 years.” (From pp. 36–37.)

But assuming that my summary is correct—that I have captured the authors' intent (if sometimes disregarding what they have literally said)—what should one make of the arguments? On the whole and broadly considered, their historical argument is both plausible and adds to what we have learned earlier from Rusche and Kirchheimer and more recently from Rothman. They try to avoid directly linking changes in penal doctrines and practices to economic changes, holding that shifts in conceptions of political obligations must be considered; this seems to me, as to them, a more sophisticated approach than Rusche and Kirchheimer employed. And they are more explicit than Rothman about the economic and political underpinnings of imprisonment. On the other hand, their historical argument remains at the level of assertion, at best. Whether they did the needed digging for evidence I cannot know; that the evidence they present is scanty and sometimes irrelevant is apparent.

There is, I think, another problem, although in saying so I may be wishing for a book the authors did not intend to write. The authors tell us almost nothing, really, about *how* the changes in prison doctrine and practice which they assert to have happened came about. Examination of this question—or congeries of questions—would involve detailed inquiry into legislative, judicial and executive affairs, including changes in the sources of personnel, a kind of inquiry that is sorely needed in our field.

Nor do I think the authors have considered fully enough the implications of the move to define those imprisoned as pathological persons. Prisons are not only becoming more "treatment-oriented" in many places (in other places they are, perhaps temporarily, dropping that façade); they are everywhere becoming more selective. They are increasingly defining themselves, and being defined by others, as places of "last resort", where only the most recalcitrant and dangerous "psychopaths" will be sent—only those unable to live in the community *under supervision*. In the meantime, probation and parole are spreading like a fog, providing surveillance for large numbers of persons for long, and increasing, periods of time. Nor is it necessary any longer to be convicted of a crime (however shoddy the procedures) to be placed in some sort of "programme": the police and other state agents, in a spirit of welfare, are "diverting" more and more persons, even whole families, into such programmes. The corporate state, if that's what it is, is resolving the dilemma of legitimacy the authors pose for it by providing a minimum security society for all of us.

Sheldon L. Messinger

INFORMATION FOR THE COURT: A NEW LOOK AT SOCIAL INQUIRY REPORTS. By F. G. Perry. [Cambridge: Institute of Criminology. 1974. 111 pp. £1.25.]

THE thesis of this empirical report is that social inquiry reports fail to fulfil their function in two important areas. First, in their present form, they do not represent the diagnostic skills and qualities inherent in probation case-work, which Perry argues they should; second, in consequence of this, they very rarely supply the comprehensive and relevant information the court needs in order to dispose of offenders appropriately.

To explain this dual failure Perry stresses the huge case-load carried by probation officers—a load restricting both the time and trouble spent in preparation of reports—as well as the lack of co-ordination between services in avoiding duplicated and possibly unnecessary information. Thus, for example, Perry contends that the information found in inquiry reports not only lacks verification but is often purely factual, rather than exhibiting the considered interpretation implicit in case-work documents. Hence not only are many social inquiry reports of little more diagnostic use than, say, police antecedents reports, but they also lack any sort of professional impartiality. To counter this apparently lamentable position, Perry suggests policy measures such as increased professional training to promote a deeper understanding of the potential of reports; a limitation on the range of situations in which reports can be given and the development of a *pro forma* to standardise the presentation of reports.

Given the paucity of research in this area this book is a useful contribution to the literature. It provides fairly detailed empirical information not only on the preparation and content of reports, but also on the nature of probation officers' recommendations to courts and on the extent to which the court follows them. In this last respect it emphasises the changing pattern of relationship between the court and probation officer in the last few years and so provides a most welcome addition to empirical knowledge.

However, whilst valuable in this sense, one is forced to question the apparent lack of decided objective for the work as a whole. Perry seems to address his report to the probation service as an informed policy document. The study is littered with "oughts", not only at the level of generalised policy recommendations (the last chapter), but also at more specific levels such as what reports should mean to probation officers and how officers ought to write them anyway (p. 31). Importantly Perry seems to regard the relationship between his empirical material and his "ought" statement as relatively unproblematic. The concluding chapter on policy easily moves from summarising substantive findings to suggested changes rooted in the "holes" exposed by the survey.

Not only is this logically questionable (an "ought" cannot be deduced from an "is"), but more importantly it raises some very interesting questions about the present-day practice of penology in academic institutions. More specifically, penology seems torn between concerning itself directly in practical reform measures and producing objective or scientific studies. In this sense there is a central ambiguity concerning the objective or intention of analysis. In Perry's case one wonders why so much attention is given to the trimmings of "science"—statistical description and testing—if his study is addressed in all important respects to policy for the probation service. No amount of chi square testing will substantiate or legitimate policy recommendations, which in the end are moral considerations anyway. From Perry's findings one could equally suggest the abolition of inquiry reports altogether. In the sense that any observation is theoretically situated, facts do not speak for themselves. Without explication of the logical and moral structures of arguments, research of any kind is prone to confusions and glosses. Thus for example, Perry, again in the final chapter, glosses the issues of the subject's privilege of confidentiality by an unquestioned commitment to the "necessity" and apparent "rightness" of the inquiry principle in the first place.

The lack of an explicit objective in Perry's work also has ramifications at another level, this time at the level of the questions initially posed. Though the questions Perry faces himself with are both interesting and did need research, other more general issues are either ignored or at best suppressed. Debates concerning the relationship between the clinical sentencing model suggested by social inquiry report and classical notions of justice are referred to (pp. 93-94) but seen as "too wide" for discussion in his study. Surely this is a most important question to consider in greater depth as it must affect the relationship between the ideologies of judges and probation officers, thus influencing the status and reception of reports by courts. Again, questions concerning the role of probation officers as "expert witnesses" in the adversary process are ignored, another factor which, one suspects, has historically influenced the legal process. In one sense, of course, Perry is correct; such questions are "too wide" for his study and the resources conceivably available to him in terms of time (he was a six-months Cropwood Fellow at the Institute at Cambridge). But this point simply reinforces what has already been said. A theoretical approach to the problem of social inquiry reports would establish a priority of questions to be asked, rather than claim that certain problems are too wide. As this theoretical orientation is lacking a "weeding out" of issues follows as the commitment to an empirical approach dominates and lays down firm rules of possibly admissible evidence.

Perry's book is subtitled "A New Look at Social Inquiry Reports." Apart from a chronological dimension (that is, "once again") it can hardly be said to realise the promise implicit in such a title, and conceivably never could, until it recognises that penological research needs to be recast within an adequate theoretical framework.

P. J. Young

MALADJUSTED YOUTH. By KATJA VODOPIVEC. [Farnborough, Hants. Saxon House: D. C. Heath. 1974. 275 pp. £6.00.]

THE experiment that was begun in Logatec in Slovenia in 1966, and continued for four and a half years, was directed to finding solutions to problems that are uncomfortably familiar to those involved in the British penal system. The institution was designed to cater for boys with personal and behaviour problems—"almost exclusively ones who had committed offences against property or had behaved antisocially," mostly admitted at 16 or 17 years of age, and remaining in the institution for perhaps 18 months or two years. The originators of the project, led by Katja Vodopivec, Professor of Criminology in the University of Ljubljana, identified several major problems that are characteristic of training schools: low morale among teaching staff; failures of collaboration between teachers and professional workers (psychologists, social workers, and so on); increasing dissonance between the authoritarian, repressive policies that prevail in institutions and the values of the social environment in which, as enclaves, they exist—values which emphasise the individual's right to shape his life in his own way. The experimenters took the view (which was amply vindicated by the outcome of their venture) that a régime which was consciously permissive, which relied on the impact upon the individual of the values of the group rather than the imposed authority of a tradi-

tional institution, would have a greater chance of evading the inconsistencies and the glaring irrelevancies that undercut the efforts of those who seek to use conventional training institutions to resolve the problems of present-day delinquents. They were mainly supported, financially, by the U.S. Department of Health, Education and Welfare, and they clearly received much advice and encouragement from penologists in the United States. Their policy was to apply the principles of group counselling to the task of dealing with young deviants in an institution, believing that "permissiveness can be achieved only by a group interaction," and that "group counselling has therapeutic significance in that it enlarges the opportunity for understanding and influencing the behaviour of the inmates without the use of force."

The British reader, disillusioned by the depressing history of group counselling in the borstal system, might well lose interest at this point in the narrative. But that would be a pity; for what distinguishes the Logatec experiment from the British fiasco is the thoroughness with which the project was mounted (attributable in part, perhaps, to generous funding, but also to the uncompromising professionalism of Yugoslav social scientists) and evaluated. It was possible to recruit staff well in advance of the arrival of the first boys to be admitted; selection was by means of a group of psychological tests that look oddly old-fashioned to the British reader, but there were enviable opportunities for preliminary training and familiarisation with the strategies of the new institution.

The experiment depended upon the use of group counselling techniques at three levels. Within the institution, staff were encouraged to use group methods "therapeutically"—to promote the development and adjustment of the disturbed boys who made up the inmate population—and to foster adaptation to the life of the institution, resolving interpersonal conflicts. Secondly, the professional team made use of group work in their endeavours to change the attitudes of the institution staff, emphasising "permissiveness" and the acceptance of inmates and their behaviour, and promoting the personal development of teachers as individuals. Third, group discussions were used to shape and develop the thinking of the professional team itself. These arrangements meant that the professional team did not involve themselves directly with inmates; nor did they assume any responsibility for the direction of the institution. (The conception of group counselling that was adopted, and particularly the emphasis upon group methods in "training the trainers", clearly owed a great deal to the influence of McCormick and Frazier at the O. H. Close School in Stockton, California.)

The book exhibits occasional traces of the evangelistic enthusiasm that seems to be an inevitable feature of group-therapeutic methods. For example, the authors assert—as a "definition"—that "group work signifies mobilisation of all the forces present in the life of the group so that the personal and social potential of individuals and the group are maximally realised"—hardly a modest description. But they are not unaware of the dangers of over-enthusiasm. "These problems are: unlimited confidence in a method of work which becomes a dogma and claims total capability, a fetish-like elevation of the method as an ideology, a gradual transition into a routine, and a possibility of terrorising members, particularly when the group feels threatened". Failures and difficulties are reported as frankly as the substantial achievements of the experiment: there were conflicts within the

professional team (many of them apparently resulting from differences in viewpoint between the appropriately-named psychologist Skalar and his colleagues, the outcome of which almost always seemed to be a major gain in theoretical clarity and subtlety); failure to involve ancillary staff members (engagingly listed as "cooks, janitors, seamstress, economist and drivers"); difficulties in allaying the understandable anxieties of the institution staff in the face of constant scrutiny and evaluation of their work. The careful and detailed sections which examine the effects of the programme upon the inmates of the institution contain few surprises, but it is encouraging to find that the régime was certainly no less effective, correctionally speaking, than conventional styles of institutional training. There is a wealth of comment, observation and insight that will interest anyone whose work is with young delinquents, and a reflective discussion about the respective roles of institutional training and subsequent supervision in the community that is particularly relevant to the controversies provoked by the Advisory Council's proposals for *Young Adult Offenders*. The odd format of the book (a series of highly-condensed papers from the several participants in the experiment) is initially disconcerting, but gives the reader an unusual feeling of involvement in what was patently a vivid and instructive experience for the researchers and for their teacher colleagues.

Gordon Trasler

SCREAM QUIETLY OR THE NEIGHBOURS WILL HEAR. By ERIN PIZZEY. [London: Penguin Special. 1974. 142 pp. 45p.]

Few people can by now be unaware of the problem of battered wives, unless, that is, they have no television sets and never read newspapers, trendy or popular. For since Erin Pizzey and her colleagues in Chiswick Women's Aid "discovered" the problem accidentally by providing a refuge for such women and finding themselves inundated by pleas for help, it has been widely discussed and presented in all media. Now Erin Pizzey has written a book, a lively and straightforward account of the experiences of Women's Aid in helping victims of domestic violence, and offers some views on the nature of the problem and solutions to it.

It does not make comfortable reading: from the cover with its shots of bruised cheek and scarred shoulders, through "he went straight in and punched my Mum in the face. . . . My Mum's face started to bleed and her mouth burst open" (p. 36); "the beatings started and continued for three terrifying years. I suffered malnutrition, broken bones . . . knife wounds" (p. 51), there is lots of gruesome detail and loads of vivid pen-pictures to remind us what a hideous and pervasive problem this is. Mrs. Pizzey makes clear how inadequate the facilities in Women's Aid centres are—no quiet or privacy, just six feet of floor space per woman, shared baths, a communal kitchen—and yet hundreds, now thousands, of women have taken refuge in them since 1971—although many come from comfortable homes and not merely from the deprived section of the community.

It appears to be Women's Aid's *openness*, their willingness to take on all applicants, to respond rapidly and, above all, to give the client-victims some peace and autonomy to sort out their lives that are so vital and successful. But what this

brief history of the centres raises is not only their achievement but a range of much wider issues which go beyond its scope and its analytic depth.

Why, for example, did it need the gloss of media-packaging to make us recognise the reality of wife-beating? True there have been music-hall jokes for years, but no other acknowledgement of its existence or seriousness. Criminology text-books conventionally begin with discussions of the inadequacy of official statistics on crime and list acts with low reportability—rape, speeding, employee theft, etc. I can find none that even *mentions* wife battering. Yet the victims of this kind of violence, unlike the battered babies “discovered” some years earlier, are adult and articulate and, though Mrs. Pizzey suggests that some are passive and helpless, many others have asked for help from every agency of aid and social control from the police and their G.P. to F.S.U. and Marriage Guidance—and are often turned away. Could it be, as this book seems to suggest, that, while the *reality* may have long been recognised, it is only this small self-help group which has forced its re-definition as a *problem* requiring help, solutions and analysis?

Definitions of social problems do shift as does the focus of research in such areas. It is probably a measure of contemporary and historical criminology's dependence on the conventional wisdom that there is nothing more serious and academic to put beside this work except a few rather glib and unfeeling studies of victim provocation, which hardly seem to fit Erin Pizzey's wives.

Domestic violence seems, indeed, a far more widespread form than any other in our society. We may fear the sporadic street attack (the much publicised “mugging”) but the prolonged agony of the battered wife or child is more typical and at least as brutal. Erin Pizzey offers some insights into its aetiology and development—the “family tradition” view — and there is research being done into child abuse, but the surface of the problem is only now being scratched, and slowly and reluctantly lawyers, social workers and the police acknowledge the existence of a problem that they need to respond to. But can there be solutions, policy developed? A sub-theme of this book is that beaten wives were helped by other “amateur” women and that the group deliberately eschews bureaucracy and formality. The simplicity of the approach can be easily mocked and it will be interesting to see how it survives expansion. Perhaps they have uncovered a problem so vast and uncomfortably close that the answers lie in fundamental rethinking about sex rules, aggression and family life, and the agencies and institutions which back them up.

Frances Heidensohn

NO FAULT ON THE ROADS. A JUSTICE report. [London: Stevens and Sons. 1974. 56 pp. £1.00.]

THIS report, which forms the first memorandum of evidence submitted by JUSTICE to the Royal Commission on Civil Liability and Compensation for Personal Injury, concentrates on one class of personal injuries—those arising out of road accidents. This limited area of research was chosen because of the size of the overall problem of personal injuries and the consequent need to break the research up into manageable units. Road traffic accidents formed a natural

starting-point because of the ease with which they can be identified as a separate group and because of the large amounts of compensation involved.

After outlining our present fault-based system of compensation and its shortcomings the report goes on to look at schemes of compensation operated elsewhere, concentrating on Canada, the United States of America and New Zealand. This comparative survey is interesting and informative but was unfortunately prepared too early to take account of significant amendments made recently to the New Zealand scheme.

The report then concludes that a no-fault system of compensation should be introduced in this country and sets down its own suggestions as to the form this should take. The heads of compensation would remain very much as at present, though the levels would be determined not by the courts but by specialist administrators and tribunals. The scheme would be financed partly by contributions by the state and for the rest by those people who form part of the motoring community.

Even though one may not agree with all the proposals of the report it clearly serves a useful function in drawing attention to an area where reform is urgently needed. However, despite the closing plea, which does to some extent justify the selection of a single type of accident for consideration, that "partial reform is better than no reform at all", one feels that the arguments advanced in the report apply equally in other areas and that although separate investigation into different classes of accidents may be desirable, any proposed schemes for compensation will be the better for dealing with the problem of personal injuries as a whole.

Linda Sutcliffe

GUNS AND GARLIC: MYTHS AND REALITIES OF ORGANIZED CRIME. By Frederic D. HOMER. [West Lafayette, Indiana: Purdue University Studies. 1974. xiii and 226 pp. \$7.95, paper bound \$3.50.]

In a re-analysis of some of the existing information about "organised crime" in the United States, Frederic Homer proposes a distinction between *criminal societies* and *matrices of crime*, the latter being the patterns of relationships around certain criminal activities. The approach used by Cressey and the President's Commission Task Force on Organized Crime, which equates organised crime with a single monolithic nation-wide society, forecloses on the most interesting sociological problems. Homer prefers to distinguish the activities of organised crime from the power structure of criminal societies, thus opening up the possibility of exploring organisational dilemmas where the needs of these do not coincide. He accepts, unlike Hawkins and Albini, that there are criminal societies and that there is a nation-wide confederation of crime, but sees each particular criminal activity their members engage in as involving a far wider range of people linked in a matrix. At the end of the book, he suggests how the society and the matrix perspectives might inform various control strategies.

Unfortunately Homer never really develops the implications of what should have been an exciting analytical distinction. His concepts are slackly defined; at some points, for instance, it seems as though matrices refer to a whole different

REVIEWS

set of criminals engaged in car-theft, burglary, armed robbery, and so on, at others as though they refer to the economic relations within the political criminal society. Often he uses analyses written from a "criminal society" perspective, as if they were acceptable descriptions. He makes no use, for example, of Albin's description of patron-client relations among criminals, nor does he see this element in the work of Ianni, whom he does cite. He borrows none of the subtlety of Hess's analysis of the complex connections between *mafioso* networks, the State and the ruling class. In the end, then, it is a disappointing book, since its contributions to well-worn discussions about the history of "organized crime", the personality of the criminals, the ethnicity issue and problems of policy are rather flat and the fresh analytical approach is never properly developed.

Mary McIntosh

NORTHERN IRELAND: CRISIS AND CONFLICT. By JOHN MAGEE. [London and Boston: Routledge and Kegan Paul. 1974. 196 pp. £3.50.]

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BRITISH AREAL STUDIES OF CRIME: AN ASSESSMENT

JOHN BALDWIN (*Birmingham*)*

In the post-war years, the so-called "ecological" approach to the study of social problems is commonly supposed to have experienced a steady decline in importance, and most contemporary writers would probably agree with Mannheim's statement that "ecological theory . . . has gradually retreated into the background in the decades after 1945" (Mannheim, 1965, p. 532). It remains the case, however, that despite the apparent increasing disenchantment with this approach the number of criminological studies based upon it, both in this country and in the United States, has shown no sign of decreasing. Indeed, it is now possible to list at least 20 "ecological" analyses of crime and delinquency carried out in this country alone, about half of which have been published in the last decade. The number of such studies undertaken in the United States is greater than this, though my remarks in this article will be confined to British research. Given the number of such studies, together with the growing statistical complexity of them, it seems worthwhile to attempt to reassess the value of the approach as well as to suggest the most fruitful lines of inquiry for the future.

Before examining the studies themselves, it is important to note a few general points about the limitations of the "ecological" method which apply as strongly today as they did in the 1930s in the heyday of Chicago sociology. Very briefly, the main areas of weakness are as follows¹:

First, all "ecological" analyses have been based on officially recorded

* Lecturer, Institute of Judicial Administration, Faculty of Law, University of Birmingham. I wish to thank Dr. A. E. Bottoms and Mrs. Monica Walker of Sheffield University and Mrs Monica Shaw of Newcastle Polytechnic for their helpful comments.

¹ These and other criticisms of the "ecological" method are discussed more fully in Baldwin and Bottoms (1975).

measures of criminality, whether from police, court or institutional sources. The main thrust of this criticism has changed since the 1930s—nowadays attention is focused far more on the “rate-producing agencies” and the *meaning* to be attached to such measures (*e.g.* Cicourel, 1968; Kitsuse and Cicourel, 1963)—and though we now have a great variety of studies which might serve to inform our judgment as to, say, the extent of police biases (*e.g.* Piliavin and Briar, 1964; Black and Reiss, 1970) or of weaknesses of official criminal statistics (*e.g.* Gold, 1970), on the whole the results of these studies are so contradictory that one can find ample evidence to support almost any of one’s prejudices. One Scandinavian criminologist sums the position up well when he states that “we have exchanged the official system of registration for some social scientists’ system of registration.”²

Secondly, ecological research is, almost by definition, based upon areal units (such as census tracts, zones, wards, enumeration districts) and, as such, is subject to perhaps the most crucial critique ever published on the general question of the interpretation of areal analyses—*viz.* Robinson’s famous so-called “ecological fallacy.” This relates to the attribution to an ecological or areal correlation of the properties of the individuals who reside in the area. As Robinson has argued, ecologists are not primarily interested in the areal units as such but in the behaviour of the individuals who live in these areas and it is mainly because data on these individuals are not available or are too difficult to obtain that ecologists have turned to areal data. This means, at the very least, that the greatest care is needed when interpreting ecological correlations.

Finally, it is extremely doubtful whether the adjective “ecological,” which strongly implies a particular theoretical orientation based on a biological analogy, was ever appropriate because researchers in this tradition have concerned themselves more or less exclusively with the spatial or geographical distribution of social phenomena. In this sense, Shaw and his associates (Shaw and McKay, 1942), for instance, almost accidentally sidestepped the trenchant critiques of ecological interpretation, simply because their work largely ignores the biological analogy (Alihan, 1938). As Morris (1957) has demonstrated, this observation applies all the more forcibly to studies undertaken in this country, and no study can be regarded as in any sense “ecological,” if that adjective is to retain any meaning. It is therefore more accurate and less confusing to describe studies carried out in this country as “areal” rather than “ecological.”

The areal studies carried out in the last decade in this country have tended for the most part to be of a vastly different nature from those carried out in America. In part, this reflects the differing criminological traditions of the two countries but it also reflects more fundamentally at least two other unrelated concerns. In this country, the distribution of the various indices of criminal behaviour is crucially influenced by local authority rehousing programmes which have tended to shift the prime focus of inquiry increasingly away from the classic slum area to the problems generated by the so-called “difficult” council housing estate. One writer has noted that

² N. Christie cited in Hood and Sparks (1970), p. 239.

in this country "the appearance of such large areas of local authority housing has made nonsense of the rings or sectors of the classical ecological theory. Indeed, the game of hunt-the-Chicago-model seems to be exhausted so far as the analysis of modern developments in British urban areas is concerned" (Robson, 1969, p. 132). Furthermore, it is also the case that census data, covering very small city areas, have been available for a much longer period in the United States than in this country. Consequently, it has not been possible until recently for British sociologists and geographers to carry out the complex statistical analyses much favoured by their American counterparts. The availability of these small area data for cities in this country has meant that since 1961 it has been possible, for the first time, to carry out analyses of crime and delinquency which more nearly correspond to the early Chicago studies and enable more sophisticated statistical analyses of data to be carried out as in the later American studies (*e.g.* Lander, 1954; Schmid, 1960).

Since these data have become available for cities in this country, an increasing number of researchers, mainly social geographers, have made use of these more rigorous statistical methods in relation to the description of the social structures of various towns and cities (*e.g.* Gittus, 1964-65; Robson, 1969; Herbert, 1970; Norman, 1969). It seems likely to the present writer that such methods will increasingly be used in areal analyses of crime and delinquency. This makes it all the more important to attempt some assessment of the progress made to date as well as to discern the most productive avenues for subsequent research.

British Areal Studies of Crime

It is worthwhile examining, in a fairly general way, the studies carried out in this country since the second world war which have used some kind of spatial framework. It is not the intention here to review or to summarise these studies, for many of them have already been thoroughly discussed elsewhere (Morris, 1957; Downes, 1966), but rather to examine them in relation to the continuing use of the "ecological" method.

At the risk of some over-simplification, it is possible to sub-divide areal studies carried out in this country into three broad but fairly distinct groups according to the purpose which the framework has served. These groups, which I shall discuss in the rest of this paper, are as follows: (i) studies which refer to "ecology" as such more or less incidentally. In other words, emphasis on area amounts essentially to no more than a description of a particular area to be investigated for some separate purpose; (ii) studies which use an areal framework as an end in itself; and (iii) studies using an areal approach as a means to an end and as a basis for the development of further hypotheses.

(i) Emphasis on area incidental

For these studies, the areal analysis is not an integral part of the overall research design, but an adjunct to other data. There appear to be four important studies which fall more or less appropriately into this group—

Ferguson's study of early school leavers in Glasgow (1952); Mays' work with slum boys in Liverpool (1954); McClintock's presentation of some interesting maps relating to different types of violent offences in London (1963) and finally Downes' more detailed analysis of sub-cultural explanations of juvenile delinquency carried out in Poplar and Stepney (1966).

Examining this group of studies very briefly, we can see that the main thrust of Ferguson's work in this connection has been related to the effects of the rehousing of slum dwellers, and as Mannheim (1965) has noted Ferguson's research "suffers from its neglect of the broader sociological background factors and of the literature. He conveys no real picture of the distribution of delinquency over different areas of the city—which might have been particularly valuable for a community such as Glasgow." J. B. Mays (1954), who has criticised Ferguson's study on similar grounds, and particularly because one needs "more sympathy and greater psychological depth to place upon the bare bones of statistics the flesh and blood and spirit of recognisable humanity," has attempted himself to move beyond this type of descriptive material in his research in Liverpool. He provides some qualitative data on the nature of the delinquent activities of 80 slum boys. Again the prime focus of his investigation is not spatial, although his important conclusion that a court appearance did not meaningfully differentiate the boys in terms of their delinquency involvement (a conclusion subsequently supported by several so-called "hidden delinquency" studies) obviously has important implications for researchers working in this tradition.

Downes' very thorough analysis (1966) of patterns of crime commission and of delinquent residence is made the more important because of its strong theoretical orientation. His main theoretical discussion, however, centres around the relevance of American subcultural theory in relation to juvenile gangs and not "ecological" theory. Finally, brief mention must be made of McClintock's analysis (1963) of the distribution of violent offences (but not of offenders) in different areas of London. The interesting contribution of McClintock's study is that it attempts to classify violent offences into more homogeneous social groupings than can be done using the broad legal classifications of offences. McClintock is not concerned with the testing of hypotheses in the interpretation of his results but presents a variety of maps in order to complement (as the other studies have attempted to complement) other types of data collected on violent offenders and their offences.

Each of these four studies has examined the distribution of various forms of criminality in a descriptive way, though the approach has shed light on analyses which have been concerned only tangentially with the areal distribution of offenders. As a complement or adjunct to these other concerns, the areal approach has proved illuminating.

(ii) *Areal analysis an end in itself*

The second group of studies has not been much concerned with the development or testing of hypotheses. Indeed, where there has been some

attempt to relate the findings to some more general theoretical framework, this has usually proved to be more a source of confusion than of enlightenment. The studies in this group are again descriptive, in that the distribution of criminality in particular towns and cities has been examined in relation to a variety of socio-economic indices. The studies consist of what Sprott (1956) has called "bricks and mortar" ecology in the sense that they "plot the incidence of crime—either its locus or the addresses of the perpetrators—against low housing values, slum areas, overcrowding. . . ."

There appear to be five studies within this group—(1) the analysis of various indices of "social defect" in Liverpool carried out by Castle and Gittus (1957); (2) the more recent examination of delinquency areas in London by Wallis and Maliphant (1967); (3) the study by Giggs (1970) in the town of Barry in South Wales; (4) the analysis of criminality in a Northern industrial town by Brown, McCulloch and Hiscox (1978); (5) the recently published description of the incidence and prevalence of delinquency in Newcastle-upon-Tyne by Edwards (1973).

Turning briefly to the earlier descriptive analyses in this broad group, perhaps the most interesting aspect of the study by Castle and Gittus is that they include not only data on delinquency (in fact unsatisfactorily measured by probation cases only) but also other information relating to mental defect, mental illness and child neglect. These researchers followed the classical "ecological" approach more closely than any other researchers in this country, in that they considered that concentric zonal rates, similar to the Chicago zones, were relevant to an understanding of social defects within the city. That the geographical distribution of each of their measures was found to be fairly similar, with the highest rates concentrated in the deteriorating inner city wards, was seen as important confirmation of the Chicago studies. Furthermore, they argued that this concentration "confirmed the relation between the distribution of social defects and the various stages of city growth." Finally, their interesting comparison with an earlier study, carried out in Merseyside in 1934 (D. Caradog Jones, 1934), though using different measures of social defect, showed a high degree of constancy over a twenty-year period, a finding which again supported the early Chicago studies. The linking together of data relating to the distribution of social defects in an English city with the hypotheses generated by the Chicago school is interesting, but, as was argued earlier, the influence of local authority re-housing policies is an important determinant of the nature of the distribution of social defects. Surprisingly little attention is paid to this influence by Castle and Gittus, however.

The study by Wallis and Maliphant (1967) the purpose of which is "to relate the distribution of delinquency in the London County Council area to a variety of ecological factors, and thus attempt to define the attributes that distinguish 'delinquent areas'" (p. 250) is greatly limited by the size and nature of the sample used. Given the size of the areal units used—London metropolitan boroughs—a sample of 350 male adolescents is inadequate. Furthermore, all of the sample were aged 16–20 and had been

committed to a detention centre, borstal or prison.³ Since the sample is so small and the areas rather large and clearly far from being socially homogeneous, many of the results tend to be rather obvious and not particularly illuminating. Two interesting findings do, nevertheless, emerge from their analysis. In the first place, contrary to Castle and Gittus' finding in Liverpool they find that the areal correlations between delinquency and various indices of "social disorganisation" (*e.g.* divorce, suicide, children in care, illegitimacy) are rather low and in some cases negative. Secondly, comparing these results with those of Cyril Burt (1925), they note that "over 40 years of considerable change a number of the economic, educational and class related factors that tended to define delinquent areas in London in the early twenties still appear to do so almost to the same extent in the early sixties" (p. 281).

Before turning to the recent statistical approaches to the areal analysis of delinquency rates, it is worth discussing the study of the distribution of delinquency in Newcastle-upon-Tyne by Anne Edwards (1973). It is important to note that Edwards regards this study as a preliminary to a further and "theoretically, more important stage . . . to establish the meaning of these delinquency rates, along the lines set out by Cicourel (1968), in order to make valid comparisons between different indices of delinquency, for different populations, in different places and at different periods of time" (p. 134). In this sense, it might perhaps be more appropriate to include the completed study in the third group used here—that is, where the areal analysis is treated as a means to an end. Her study as it stands at present, however, has only "[mapped] out the patterns of delinquency (as officially known) . . . as a background to a wider sociological study which deals with questions of causation" (p. 123).

Edwards' study is particularly interesting for two main reasons—first she includes in her study female delinquency rates, which are omitted from most areal analyses, usually for no good reason; secondly, and more important, she includes rates which relate both to the incidence of delinquency and to its prevalence—again a novel variation which has been too often ignored in the past. The prevalence rates are very illuminating—the male prevalence rates for a cohort born in 1949 reached 23.5 per cent. for the city as a whole and 51.4 per cent. in the ward with the highest rate of delinquency—both rates considerably in excess of what one might expect from earlier studies, though Edwards' index of delinquency covers non-indictable as well as indictable offences. Nevertheless, her results here are most important for they show that a court appearance is experienced by a sizeable minority of juveniles within the city. To some degree, this offers some support for McClintock and Avison's (1968) estimate of the cumulative risk of conviction—an estimate which has perhaps too often been treated

³ Wallis and Maliphant used Charlotte Banks' sample of young men. For a description of this sample, see Banks (1966). Clearly such a sample cannot be regarded as representative of offenders in general nor even of young offenders in particular. Indeed, Banks' study had shown that the young prisoners especially were more likely, for example, to be "in need of skilled medical and psychological attention", to present "psychopathic and psychotic features", to be more neurotic and unstable, to take drugs and so on.

with excessive scepticism by many criminologists, magistrates and others, who prefer to regard delinquency as "abnormal" or "pathological" social behaviour and not, as in the high delinquency ward in Newcastle, as involving even a majority of the male juvenile population.

The two other studies in this group, though relying on a much more complex statistical base, nevertheless suffer from great weaknesses. Both illustrate that statistical sophistication in no way obviates the necessity of careful thought. Giggs' (1970) analysis of "social defects" in Barry is the only one so far published in this country which has employed the method of principal components analysis in relation to criminological data, though the related technique of factor analysis has been fairly widely used in the United States (*e.g.* Lander, 1954; Bordua, 1958-59; Schmid, 1960; Gordon, 1967). Given the highly developed use of such statistical approaches to areal analyses in the United States, which already many urban geographers and sociologists in this country are emulating, it is important to evaluate the studies so far undertaken in some detail, particularly because it seems highly likely that such methods will be increasingly used in the future.

Giggs analyses no fewer than 43 "intra-urban characteristics" and 13 other variables related to what he calls "social defects" which include variables not only relating to crime and delinquency but also covering the incidence of tuberculosis, people in the town with certain financial problems (especially with regard to rent and to rates) and the incidence of divorcees. These "social defect" variables are analysed both separately and in conjunction with the "urban characteristics". The latter variables were selected at least in part "because previous investigations point to their pertinence" in such an analysis. They cover not only the commonly used population and demographic measures but also several variables which are rarely, if ever, included in analyses of this kind, for instance, those relating to physical characteristics of the towns. The range of the variables as well as the novel nature of many of the sources used show clearly the originality in Giggs' work. He states his objective as being to "determine the basic factors in the distribution of social defects, and to describe more precisely the specific attributes of disorganised areas" (pp. 105-106). The method he uses to achieve this objective—principal components analysis—aims to reduce a large number of variables to a small number of components on the basis of the inter-correlations among the variables. The components derived in this way should retain as much of the original meaning and variation among the variables as possible.⁴ Several writers have regarded this method as highly appropriate for the analysis of urban social areas, since it can take account of the great complexity of city structure. Robson (1969) states the advantages of the approach in the following way: "... multivariate analysis selects its discriminating factors solely on the basis of the inter-correlations of the data itself—and a large body of data at that. Factor analysis and the related technique of component analysis are methods of discovering the structure of a multivariate universe of data by revealing

⁴ For a lucid exposition of the method as a technique in social research, see Blalock (1960), chap. 21, pp. 383-91.

the clusters or bundles of closely related elements contained within a matrix of correlation coefficients" (p. 58).

This is clearly not the place to discuss the limitations of this approach, though it is necessary to observe that such multivariate techniques are much more limited by subjective judgment than their advocates admit. For not only is it the case that the selection of appropriate variables to be included in the analysis involves a highly subjective element, but, having extracted from the multitude of variables a small number of factors, the task of interpretation of these factors is very far from being an objective procedure. This interpretation inevitably reflects the theoretical biases of the researcher and there is no guarantee that independent analysts would interpret the factors in the same way. Indeed sometimes the interpretation of factors is an impossible task and often researchers are less than convincing in their explanations, and it is often the case that factors are theoretically quite meaningless. Clearly, in these cases, the method is a great source of confusion, and unjustified claims for its objectivity merely serve to indicate the researcher's own lack of clarity about what he is attempting to achieve in his analysis.

Giggs' study illustrates this kind of confusion. His first component analysis is carried out on the 13 "social defect" variables taken separately. This yields five principal components, the meanings of which are not at all clear. Giggs in fact attempts only to identify the first component (which accounts for 44 per cent. of the total variance among the original variables) and is content merely to describe the correlation coefficients of the remainder. This illustrates, of course, the main weakness of this method—namely that, although one might be able to extract components which constitute statistical unities, they may be sociologically quite meaningless. Even Giggs' interpretation of the first and most important of these components is unsatisfactory. This component incorporates 11 of the 13 social defect variables and he identifies it as the "social disorganisation" component. This is clearly no more than a rather naïve tautology and demonstrates that one can get no more out of a component analysis than one puts into it.

The identification of the main components which emerge from Giggs' second, and more important analysis, in which he includes all 56 "social defect" and urban variables, presents even greater problems. Since Giggs includes more variables in this analysis than other researchers concerned with similar research problems have chosen to include, it is not surprising that he extracts 10 principal components which account for 79.9 per cent. of the original total variance. Some of these are of a highly ambiguous nature and others lack any real meaning. Giggs gets no further in his interpretation of these components than the first four. But more crucial than this is the fact that Giggs makes the mistake of including in his component analysis the dependent variables (*i.e.* those relating to social defects) and the independent variables, which he intended to use to describe the attributes of "disorganised areas"—a mistake which had been made by both Lander (1954) and Schmid (1960) in similar analyses in the United States.⁵ In

⁵ For further discussion of this point, see Hirschi and Selvin (1967).

consequence, it is not perhaps surprising that Giggs' discussion of the meaning and the significance attaching to his main components is characterised by great ambiguity and a high degree of tautology.

Giggs suggests that "the sociological concept of anomie seems to provide a more plausible explanation of the existence of disorganisation in the town's social structure" [than the Burgess concentric and zonal hypotheses]. But Giggs uses the concept of "anomie" in the Durkheimian sense of normlessness, low degree of social cohesion, etc.—hence this sentence is tautological. He is arguing that "social disorganisation" explains the existence of social defects, yet the indices of disorganisation he uses in his study include some of these very defects. Therefore, what he is in effect saying is that "social disorganisation" (*i.e.* criminality, divorce, etc.) explains the existence of "social defects" of various kinds (including criminality and divorce). This kind of ambiguity and circularity of argument flows almost inevitably from the fact that Giggs includes the "social defect" variables in the same component analysis as the variables which he intends to use to explain them.

These criticisms serve to re-emphasise the point that methods such as principal components analysis must only be used after careful consideration of the objectives to be achieved. It is perhaps of significance, for example, that Giggs states: "Principal component analysis is currently the most widely used of a wide range of multivariate techniques chiefly because no hypotheses need be made about the variables."

The final study in this broad group—undertaken by Brown, McCulloch and Hiscox (1972)—is similarly characterised by a lack of clarity as to the objectives to be attained and in consequence the results obtained are also thoroughly confused and ambiguous. The authors use a simpler (but related) technique than components analysis—that of cluster analysis—which groups together related variables so that "each member of the cluster is more clearly associated with every other member of the cluster than with any member of any other cluster" (p. 263). This analysis is combined with extensive intercorrelation of 35 social variables (including 10 relating to crime), organised according to electoral wards in a Northern industrial town. Brown *et al.*, (1972) identify nine distinct clusters of variables but make no attempt to interpret any, contenting themselves with listing the variables of which the clusters are composed. As with Giggs' multivariate analysis, the authors fail to treat the dependent and independent variables separately in their cluster analysis; in consequence, the conclusions they draw are unilluminating. Indeed, it appears that their results offer support for almost all of the main criminological theories. Citing the general conclusions perhaps illustrates best the confusion in which this study is steeped.

They write: "To demonstrate the complexity of criminological thought, and the lack of a comprehensive causal theory of deviance, we can look at [the correlations between types of offence and social variables] from several angles.

(1) "The main features associated with offences against the person appear to be rented council houses, unemployment and poverty." This

could be explained in terms of anomie, working-class culture, subculture, or differential association.

(2) The offences involved with drinking, which are associated with "areas of highest unemployment and persons on social security benefit" seem to support Merton's (1957) retreatism or Cloward and Ohlin's (1960) "double failure" hypothesis.

(3) The negative correlation between owner-occupied houses and conflict with the law, as well as being the obverse side of the theories expressed in (1) above, cannot be looked at in isolation from the role of the police, white-collar crime, and interactionist theories in general" (pp. 264-265).

In other words, it seems that the analysis of Brown *et al.* is of no value in shedding light on the theoretical issues involved. Indeed, their results are seen as supporting a great number of theoretical stances which are by no means mutually compatible. The point here is not that such technically complex analyses are necessarily limited in these ways (although comparable studies published in the United States in the post-war years have on the whole been as unilluminating as those of Giggs and Brown *et al.*⁶) but that, in the first place, the more complex the analysis becomes, the easier it is for the original objectives to be lost sight of; and, secondly, the presentation of impressive arrays of detailed correlations between many variables in no sense is a substitute for the careful explanation of the precise *meaning* to be attached to these correlations.

(iii) *Areal analysis as a means to an end*

The final broad group of British studies which has used an areal framework has used it not as an end in itself, but as the starting point for the development of further hypotheses. This approach seems to the present writer to be the most fruitful and in fact corresponds most nearly to the procedure so often followed by the Chicago ecologists who conducted their broadly conceived areal investigations *pari passu* the narrower, more detailed and more incisive analyses not only of small areas within Chicago but also of ways of life of groups of residents in these areas.⁷

The studies included in this group are many and varied. One of the most common problems dealt with has been the general question of why apparently similar types of social areas are characterised by vastly different levels of criminality. Particularly relevant here are the studies which have examined the social processes which operate in the genesis of so-called "difficult" housing estates. A similar exercise has been undertaken by the present writer and his colleagues in Sheffield and this issue is dealt with more fully elsewhere (Baldwin and Bottoms, 1975). Suffice it to say here that our review of studies published with this aim—specifically the research by Howard Jones in Leicester (1958); by Mannheim in Cambridge (1948); by Wilson in Bristol (1963); by Bagley in Exeter (1965); and to some extent by

⁶ The confusion surrounding the American studies is discussed at length in chapters 2 and 3 of the author's unpublished PhD thesis (1972), also in Baldwin (1974b).

⁷ Thus apart from the general studies of criminality, mental illness, suicide etc. a wide range of highly qualitative material was amassed both of social life in certain districts (e.g. Wirth, 1928; Zorbaugh, 1929) and of particular groups within these areas (e.g. Thrasher, 1927; Shaw, 1930).

Morris in Croydon (1957)—showed that a variety of explanations has been advanced in the literature. These hypotheses we were then able to examine in detail in relation to data for council estates in Sheffield. The most important hypotheses related to the high degree of population turnover on “problem” estates (said to be indicative of more general “social disorganisation”); the lack of provision of youth facilities and finally the role of housing departments in segregating “problem” tenants on particular estates.

In the section that follows, attention will be confined mainly to five studies: the examination of suicide cases in London by Sainsbury (1955); certain aspects of Morris’s research in Croydon (1957); the unpublished account of delinquency areas in Radby, a mining town near Nottingham, by Jephcott and Carter (1954); the much more recent account of criminality in one police division in Birmingham by Lambert (1970); and finally work carried out under the auspices of the Medical Research Council’s Social Medicine Unit by Power (1967; 1972), Phillipson (1971) and their associates which has been particularly concerned with the delinquency-creating potential of the school.

Sainsbury’s study of suicide in London illustrates very clearly the advantages of employing an areal framework as a way of developing further hypotheses which can be tested on a more detailed level. His guiding hypothesis is “ecological” in nature, *i.e.* “that where social mobility and social isolation are pronounced, community life will be unstable, without order or purpose, and that this will be reflected to a greater or less degree in the suicide rates.” To test this hypothesis, however, his analysis is not purely areal, but is instead carried out on two levels—first, in terms of statistical correlations between rates of suicides in London boroughs and a variety of social indices (relating to socio-economic status, social isolation, social mobility, delinquency, divorce and illegitimacy); and, secondly, and no less important, a more detailed study of 409 cases occurring within five boroughs on an individual basis. This latter part of the analysis is used “to validate the statistical correlations . . . and . . . indicate whether they show a causal relationship.” Thus he investigates the influence of factors such as poverty and social disorganisation not only on a general descriptive level but also on an individual level, thereby avoiding the trap of Robinson’s (1950) “ecological fallacy.”

The importance of this duality of approach is illustrated, for example, by his finding that, although suicide is related to the general transiency of population, suicide victims themselves do not appear to be more mobile than the population at large; and also that the lack of correlation between unemployment rates according to boroughs and suicide rates by no means indicates that for suicide cases this factor is unimportant. His case studies again provide the necessary (and refutatory) evidence. The skilful manner in which Sainsbury relates the two levels of his analysis strongly confirms his statement in his conclusions that: “As personality and social environment are inseparable, so must the psychological and sociological approaches to these problems also be interdependent. Neither alone can provide a complete account of suicide.”

No other study carried out in this country is as successful in "marrying" the two types of analysis as Sainsbury's. Morris' study, which has been by far the most often quoted and influential of all the areal analyses carried out in this country, manages to do this to only a limited extent. Although almost half of his book consists of a scholarly review and critique of the writings of the Chicago school, he himself rejects the zonal theory development as having little relevance in Croydon and he further notes a "complete absence of the classic 'interstitial' area." Moreover, "contrary to the findings of the Chicago school, patterns of land use have little real relationship to the distribution of delinquent residence. . . ." That he found the greatest concentrations of offenders in the slum areas and on older council estates is not perhaps surprising. What is important, however, in the present context, is that Morris was directed, by the first part of his analysis, not only towards an important discussion of "segregation" policies of the housing department in relation to the emergence of "difficult" housing estates in Croydon but also towards an examination of a sample of juveniles (male and female) under probation and supervision orders, or who were committed to approved schools.⁸ Although the former exercise can be seen clearly as a natural extension of his areal analysis, the latter part is linked only tenuously, and the results he presents here and the hypotheses he seeks to test are by and large unrelated to his areal framework. Indeed, despite his claim that the presentation of this material was to "amplify the ecological analysis", in fact of the 23 factors he selects, on the grounds of their known association with delinquency, only the social class factor has any "ecological" relevance, the remainder (though interesting in their own right) being mainly related to psychological, family and educational variables.

The study by Jephcott and Carter in a small mining town situated near Nottingham is important mainly because of the vast amount of qualitative information presented on the extent to which "the differences between the norms of behaviour contribute to the differential rates of delinquency distribution". The authors attempt to show, on the basis of a preliminary mapping of criminal and matrimonial cases, the very different housekeeping standards, behaviour and values, which prevail in adjacent streets even in high delinquency areas. They locate five pockets of delinquency in the town and note that within each of these pockets "certain streets which were materially comparable with the streets which contained a concentration of delinquents, were found to be either free of official trouble, or to have had a very light record for years past." The purpose of the research is "to discover whether there are factors present in the 'black' streets which might be considered as conducive to delinquency, but which are absent in the 'white' streets." Given a total population of over 20,000 in an overwhelmingly working-class town, their average annual rate of 15.1 juvenile delinquents (calculated over a 10-year period) appears exceptionally low and even the high rate areas demarcated within Radby can scarcely be considered "black". Interestingly, however, participant observation of pairs of

⁸ This sample cannot be regarded as representative of juvenile offenders as a whole.

"black" and "white" streets indicated much greater disparities between the "black" and "white" streets than the official court figures themselves revealed, though it is hard to avoid the suspicion that the authors' observations might have been to some extent coloured by the earlier findings. Though the authors do not discuss it, their evidence relating to different standards within the "black" and "white" streets in Radby does nevertheless offer important support for Kobrin's argument (1951) that there exists in some areas "a duality of conduct norms in the high rate areas rather than the hegemony of either conventional or criminal value systems".

The authors' incisive observations make this study an important contribution to a literature which, at least in this country, is lacking in this kind of detailed qualitative description. They use an areal framework (even though their analysis has deficiencies) in order to focus attention on pairs of streets within three of the five high "delinquency areas." It is, however, the case that in a sense their initial analysis misdirects them. Inspection of their map of the distribution of delinquents and matrimonial cases in Radby shows that their distinction between "black" and "white" is not as clear-cut as they indicate, particularly because no real attempt could be made to take account of differences in the structure of the populations at risk in these streets. Hence, although the inspection of their maps serves to direct their attention to pairs of "black" and "white" streets within three high "delinquency areas" and leads to an examination of these in terms of housekeeping standards, patterns of child-rearing, educational aspirations and so on, in only one of the three pairs of streets do they find "two well-defined subcultures, exhibiting in many directions contrasting ways of life." In the two other areas, these ways of life have no special geographical significance and they have to conclude, rather weakly, that "the contrasting ways of life are also apparent within the two other working class areas . . . although in these particular areas there is no marked geographical grouping."

Lambert's study in Birmingham strikes a more satisfactory balance between the preliminary spatial analysis and a more detailed examination of hypotheses generated by this framework. In the present context, Lambert's study is particularly useful in that his examination of immigrant criminality and the role of the police in relation to high crime areas can be seen as a natural development of his earlier areal approach, which consists of a very detailed examination of the distribution of offences and of offenders in one police division in Birmingham. Since his main interest is in examining criminality within the context of race relations, he takes the division which contains the highest proportion of immigrants (in this case about 10 per cent.) and, following the sociological analysis of Sparkbrook (which makes up part of this police division) by Rex and Moore (1967) he traces the social processes by which immigrants become "trapped" in particular housing areas. Lambert shows that these areas are not only characterised by all the hallmarks of physical deterioration and decay, but tend also to be the high crime areas.

From this part of his study, he moves to an examination of the extent to

which coloured immigrants living in high crime areas are themselves represented in the known offender populations. His results of individual cases again show up the fallacy of this ecological correlation as the crime rates of coloured immigrants were generally very low. His attention is increasingly directed away from the areal analysis, firstly towards an impressionistic study of the policing within the division and, secondly, towards a consideration of various hypotheses concerned with the delinquency of first- and second-generation immigrant children. Though both of these subsequent investigations are obviously more closely related to his main interest in race relations, they are clearly complementary to, and not independent of, his earlier spatial analysis.

The final study discussed within this broadly defined approach is that carried out by researchers of the Medical Research Council who have been concerned with the extent to which secondary modern schools in the London borough of Tower Hamlets might in some cases "protect" pupils from delinquency while other schools might "expose" them to this risk. This group of researchers have used an areal framework in an attempt to separate out the influence of the school *per se* in the genesis of delinquency from that of the neighbourhoods from which the boys were drawn. They carry out a detailed analysis of the distribution of male juvenile delinquents for the 301 enumeration districts which comprised Tower Hamlets in the 1961 census. They then calculate the rates of delinquents for the 20 secondary modern schools within the borough and find very great variations according to school. They subsequently dismiss a variety of factors—including the boys' respective neighbourhoods—as unimportant in accounting for these differences. I have discussed this research in greater detail elsewhere (1972) and argued that the authors' findings do not necessarily support this conclusion. Despite the fact that their mode of analysis is unsatisfactory in various ways, their use of census data does indicate the possibilities that such data afford in opening up novel avenues of research.

Directions of Further Research

The argument which has been advanced in this article is that the most fruitful use of an areal approach has been primarily as a means of extending lines of inquiry rather than either as an adjunct to other methods or as an end in itself. It can be seen fairly clearly how the various studies undertaken in this country illustrate the advantages and limitations of each usage. It seems desirable, to this writer, that in the future researchers should attempt to move beyond straightforward descriptive analyses either towards more detailed examinations of particular hypotheses or else towards the more qualitative and penetrative observational studies of particular social areas. This latter approach proved invaluable in the Chicago era in describing the "natural history" of delinquency areas and in presenting a picture of life in these areas from the residents' point of view. There are very few studies so far published in this country which have attempted to do this. Two recent studies, both carried out on estates in Glasgow, and an older study undertaken in a socially heterogeneous suburban area in a large Midlands

town, go some way in "appreciating" in Matza's sense (1969) the fact of residence in a "problem" area.⁹ These detailed observational studies—by Wilson and Armstrong of boys living on the Easterhouse estate (1973), by Damer in "Wine Alley" (1972) and by Elias and Scotson (1965)—produce important insights which the most general descriptive approaches have tended to ignore. All these studies examine how areas acquire an unfavourable reputation in the first place, how this tends to persist over time (despite the fact that the reputation may be grossly at odds with the "facts" of the situation) and how the reputation itself may even have an "amplifying" effect on levels of officially recorded delinquent behaviour in the locality.

These suggested directions for research run counter to the main developments in contemporary "ecological" research in criminology and also to developments in the wider fields of urban sociology and social geography, where researchers are coming increasingly to rely on a technically complex methodology. Since small area data based upon enumeration districts have become available for the first time in this country only relatively recently, it seems likely that such sophisticated methods will be used more extensively in the future. This has certainly proved to be the case in the United States and there is already a great upsurge here in the number of areal studies which have sought to replicate the American analyses. If the assessment of the progress made to date which has been presented here is valid, then it would appear timely to question the value of these statistical exercises and to call for a more precise testing of specific hypotheses or else for more incisive intra-urban analyses. Efforts expended in this latter direction will doubtless yield greater insights into the nature of urban social structure than the mere amassing of complex correlations and statistical components which may or may not have any real meaning.

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⁹ The present writer has attempted, in a limited way, a similar exercise in a study of a "problem" council estate in Sheffield (see Baldwin, 1974a).

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PUBLIC ATTITUDES TO CRIME AND THE PENAL SYSTEM

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THIS investigation of public attitudes towards crime and the penal system, carried out by the Social Survey Division of the Office of Population Censuses and Surveys,¹ was first undertaken on behalf of the Royal Commission on the Penal System and later continued under the auspices of the Home Office. 2,846 adults aged between 21 and 69, living in England and Wales, were interviewed. Because the questionnaire was a long one, the sample was divided randomly into three, and two-thirds of the sample, about 1,900 informants, were asked the questions in each section. The final interview schedule was based on an extensive analysis of a pilot study. Field work was carried out in 1966.

Answers to the questions were analysed according to the age of the informants, their sex, socio-economic status, level of education and, sometimes, type of living area.

Socio-economic grouping. The sample was classified into the following groups:

1. Higher managerial and professional (including employers in large establishments).
2. Lower managerial (including employers in small establishments and farmers).
3. White-collar workers (including personal service workers and non-professional self-employed workers).
4. Skilled manual workers (including foremen and supervisors).
5. Unskilled manual workers (including semi-skilled manual and agricultural workers).

Level of education. The subjects were divided into those with:

- Higher education—university, technical college, public and grammar school (including pre-1947 secondary schools),
- Lower education—all others.

Causes of Crime

Informants were presented with 10 statements (based on the results of the pilot analysis) and asked which they considered to be causes of crime. Over 70 per cent. opted for: (i) "Nowadays people feel they can get something for nothing and not have to work for it"; (ii) "There is so much emphasis today on getting rich quick that people feel money is the most important

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¹ Fully reported in "Crime, Criminals and the Law", by Mary Durant, Margaret Thomas and H. D. Willcock (S. 396. 1972. Unpublished).

thing"; (iii) "Parents do not have enough authority over children today"; and, finally, (iv) "So many people get away with breaking the law that the rest feel it is not so bad to break it".³ Over 40 per cent. of informants considered that each of these statements described one of the *main* causes of crime. Between 50 and 70 per cent. of the respondents chose as causes, though not necessarily as main causes: (v) "People being persuaded to buy things they didn't really want and couldn't really afford"; (vi) "School-teachers not having enough authority over children"; and (vii) "People working in boring jobs and not having enough to do in their spare time". These statements were cited only as main causes by between 16 and 20 per cent. of the sample. Finally, a substantial minority—44 per cent.—thought that one of the causes of crime was the fact that (viii) "People were less religious than they used to be". The two statements chosen least often were about the effects of war and its habituating influence on violence generally, and the fear of war and uncertainty about the future.

The opinions of men and women were very similar, but the views of younger and older informants differed, those over 50 tending to favour the decline in parental and school authority and the decline of religion.

The Increase in Crime and Possible Ways of Reducing it

Informants were asked whether they thought robbery with violence, murder, sexual offences against children, breaking and entering, thefts (without violence), and fights (i) had increased "quite a bit"; (ii) had not changed much in frequency, or (iii) had decreased in the past few years. 75 per cent. or more thought that robbery with violence, breaking and entering, thefts and murder had increased "quite a bit". In fact, between 1963 and 1965 the number of robberies with violence known to the police increased by 50 per cent., the number of breakings and enterings increased by 19 per cent., thefts by 17 per cent., and murders by 11 per cent. With regard to these offences the public were correct. However, well over half thought that sexual offences against children under 13 had increased considerably, whereas the number known to the police had actually decreased by 3 per cent. between 1963 and 1965.

Women tended to think that murder and sexual offences against children had increased appreciably, whereas men were more inclined to think the number of offences against property had risen. People over 50, those in the lower socio-economic groups, and the less well-educated tended to think that murder had increased a lot.

People were asked about possible ways of reducing crime. Over 90 per cent. thought crime would be reduced if first offenders and petty offenders were kept in separate prisons from hardened criminals, and if the public guarded its property more carefully. Over 80 per cent. thought that fewer people would break the law if the police force were increased in size, if it improved its methods of catching law-breakers, and if it spent more time on serious crime and less on petty things. More than 70 per cent. considered

³ There is, of course, a good deal of overlapping, as respondents were allowed to choose as many statements as they wished.

that there would be fewer offences if there were less about crime on TV and in films, papers and books, and if shops did not display their goods so openly.

Seriousness and Frequency of Offences

Informants were asked which of 18 offences they considered to be serious. Practically all agreed that murder, robbery with violence, sexual offences against children, cruelty to children, indecently assaulting a woman, and causing death by dangerous driving were serious crimes. Manslaughter was considered to be serious by 86 per cent. and well over half the informants thought that deliberately damaging property, fraud and housebreaking were serious offences. A substantial minority considered that breaking into a factory was serious too. One-third thought stealing was serious, although this proportion varied according to the socio-economic group and level of education of the informant, with half the top socio-economic group considering it serious. Less than a third thought that fighting, taking away a motor vehicle without the owner's consent, being drunk and disorderly, stealing by finding, travelling without paying the fare or vagrancy were serious (the last two were thought to be serious by only 10 per cent. of respondents). People who admitted to having travelled by train or bus themselves without paying the fare were less likely than others to consider this a serious offence. Similarly, those who admitted having taken something from work to which they were not really entitled were less likely to think that stealing "by finding" was serious.

The offences which respondents classified as "serious," or not so, were similar to those used by one of us in a research with borstal and detention centre boys and young prisoners. Comparing the boys' replies with those in the present survey shows that, where the descriptions of offences did not differ or differed only marginally, the distributions of responses from the general population and from the convicted boys tended to be very similar.

Informants were also asked to rank 10 of the offences according to their frequency. The average rank of each offence was then calculated. The results showed that respondents thought relatively more people were accused of robbery with violence, factory and housebreaking, and cruelty to children than actually were so, and that fewer were accused of deliberately damaging property and fraud than was actually the case.

The Courts

Informants were asked whether or not they had attended a court and, if so, in what capacity. Just under half said they had attended some kind of court, about a quarter as spectators and a fifth as witnesses, while 14 per cent. admitted that they had appeared in court charged with an offence. About 70 per cent. of the top socio-economic groups had been to court, compared with about 40 per cent. of all the other socio-economic groups, and a higher proportion of the better educated and of the older informants had been in a court. The better educated were twice as likely as the less well-educated to have had experience of a higher court, and men were twice as likely as women to have attended both types of court.

Informants were then asked about differences between magistrates' and higher courts. 80 per cent. said they knew that a drunk and a robber would be sentenced at different courts, but about 20 per cent. of these were unable to distinguish further between higher and lower courts. Nearly three-quarters of the informants knew that magistrates' courts did not have a jury, and just over three-quarters knew that magistrates did not wear wigs. Two-thirds of the sample knew both these facts. However, 14 per cent. thought that magistrates' courts have a jury and that magistrates wear wigs. On the whole the top socio-economic groups and those who had received a higher education were better informed than the others.

Most people knew that higher courts have juries, but only about a third knew that they sometimes sit without them. Most informants did not know that a judge sees a list of a man's previous convictions before the trial, and only a few knew that a magistrate does not learn about previous convictions until he has reached his verdict. 70 per cent. of informants thought that most defendants in higher courts pleaded not guilty, and this rather false impression was most likely to be held by the managerial groups and better-educated men. As many as 95 per cent. were right, however, in thinking that most defendants in higher courts were legally represented. 60 per cent. were correct, too, in thinking that most defendants who were legally represented in higher courts obtained legal aid; but nearly 40 per cent. were under the misapprehension that most defendants in lower courts pleaded not guilty. They were divided equally over whether most people did or did not have someone to represent them in a magistrates' court; also over whether or not most people who were represented got help with legal fees. Rather more than half the sample thought that a well-off defendant would not stand a better chance of obtaining legal representation than a poorer one. This impression of equality before the law was held more frequently by the managerial groups and the better-educated.

About 80 per cent. thought that a judge would give the same treatment to rich and poor offenders, while just over a third thought that a man who was well-off would get better treatment from magistrates. A substantial proportion of people thought that a man who pleads not guilty and is subsequently found guilty would get a worse punishment than a man who pleads guilty in the first place.

Just over half the respondents thought magistrates got "quite a lot" or "a fair amount" of legal training, a view held by larger numbers of women, young people and those of higher education and in the lower income group. Nearly 40 per cent. of the whole sample thought magistrates got very little, or no, legal training.³ More than three-quarters of the top socio-economic group and two-thirds of the better educated thought that a magistrate needed something other than legal training, compared with only about a third of the lowest socio-economic group and half the less well-educated. More than anything else, people thought magistrates needed to know more about ordinary people in order to pass the right sentence. Just over half the

³ In fact, since January 1, 1966, all newly appointed justices have been required by law to undergo a course of basic training, but before this date training was voluntary.

sample said that magistrates included well-off and not so well-off about equally, but a substantial minority were under the impression that they were nearly all well-off.

Most people thought the magistrate or judge was the right person to pass sentence, and three-quarters of the sample thought that the length of a prison sentence should always be fixed at the time of conviction.

Sentencing

Informants were asked which of seven statements they thought described the main purposes of sentencing. Four of the statements were chosen by over 90 per cent. of respondents, namely: (i) "To make criminals pay what they could for any loss of property or damage they had caused"; (ii) "To make them pay what they could for the suffering or loss of earnings they had caused when they injured people"; (iii) "To put them off committing crimes again"; and (iv) "To reform them (make them go straight) by helping them and teaching them how to lead an honest life." A third of the informants thought that the last of these was the most important purpose of sentencing, while nearly a quarter thought that the most important aim was to make criminals pay for suffering or loss of earnings. These four purposes were rejected outright by only between 3 and 5 per cent. of respondents. The remaining three statements, which described, broadly speaking, deterrence, retribution and shutting up criminals in order to protect property, were much less frequently considered to be among the main purposes of sentencing and were rejected outright by between 14 and 20 per cent. of respondents.

Older informants and the less well-educated were more inclined than others to say that it was important to make criminals compensate their victims for suffering and loss of earnings, and to make them pay what they could for loss of property or damage they had caused. About half said that offenders should work as a means of compensating their victims, and just over a third thought they should pay in cash. Women, the better educated, and younger informants were more inclined to think it was important to reform criminals by helping them and teaching them how to lead an honest life.

Informants were then asked questions on the relative importance of punishing criminals severely as an example to others and of understanding why a man had broken the law. About two-thirds thought that it was more important to understand why a man had broken the law; only about a quarter said it was more important that he should be punished severely as an example to others.

An attempt was made to obtain informants' opinions on factors which might be taken into account by the court in sentencing. They were presented with 14 pairs of hypothetical cases and asked to say, when presented with each pair, which of two offenders should get the more severe punishment. It was to be assumed that both cases were identical, with one exception, the exception being the factor about which informants' views were sought.

The pairs of cases fell into three groups: (1) similar types of crime committed by different types of offender; (2) crimes committed in different circumstances by the same type of offender; (3) similar crimes committed by the same types of offender against different kinds of victim. For example, respondents were asked to compare identical crimes committed by a mentally unbalanced person and by one who was not mentally unbalanced and to say if both should get the same punishment, if one should get more and the other less, or whether they should get different punishments at all. The factors which about 80 per cent. or more thought should *not* influence the sentences were: (i) whether the victim was rich or poor; (ii) whether or not the offender came from a criminal family; (iii) whether a theft was from a big store or small shop; and (iv) whether damaged property was privately or publicly owned. The factors that between 60 and 70 per cent. of respondents thought should not influence the penalty were: (v) the amount stolen; (vi) whether or not the offender had a record of steady employment; (vii) whether or not he came from a happy family; and (viii) whether the articles stolen were easy to take or well-protected.

In five of the remaining six situations a majority considered that one offender should get a more severe punishment than the other. These were: (ix) an offender who attacked an old person or a child compared with one who attacked someone able to defend himself (79 per cent.); (x) an offender who had been convicted previously, compared with one who had not (74 per cent.); (xi) an offender who injured someone without provocation, compared with one who injured but was provoked (73 per cent.); (xii) an offender who could afford to buy the necessities he stole, compared with one who could not afford them (63 per cent.); and (xiii) an offender who planned his crime, compared with one who acted on the spur of the moment (62 per cent.). In all five of these comparisons the proportion recommending "different punishments" never rose above 3 per cent., the remaining respondents recommending "same punishment" for both. This left a comparison between identical crimes carried out by a mentally balanced and a mentally unbalanced person. 44 per cent. of respondents thought the person who was not mentally unbalanced should receive a greater penalty, 36 per cent. that the punishments should be different.

There was a pronounced tendency, in ten out of the 14 situations presented, for the older informants to opt for "greater" punishment and the younger for "the same". The old were, in fact, rather more punitive. Respondents in the higher socio-economic groups also tended, but to a lesser extent, to think that unprovoked attacks and planned crimes should be punished more severely, while at the same time favouring similar penalties for offenders whether or not they had had a steady job or came from criminal families.

Characteristics of Habitual Offenders and Ways of Reducing Their Numbers

Informants were presented with 15 short descriptions of habitual offenders based on replies to open-ended questions obtained during the pilot study. Broadly speaking, they were asked whether each of the 15 statements

described a majority or a minority of habitual offenders ⁴ or did not describe any of them. The proportions of respondents who considered that the given statements described *no* habitual offenders ranged from 9 per cent. ("They just give no thought to the harm they do"), to 45 per cent. ("They are unintelligent"). On the other hand, the proportions who considered the statements to be true at least of *some* habitual offenders ranged from 53 per cent. ("They are unintelligent") to 90 per cent. ("They just give no thought to the harm they do"). Only three descriptions were said by a majority of respondents to be true of the majority of habitual offenders, namely: "They give no thought to the harm they do" (68 per cent.); "They are too lazy to do an honest day's work" (62 per cent.); and "They make their living out of crime" (54 per cent.). However, nearly half the sample considered that "they were too easily led" (46 per cent.); "lived among criminals" (45 per cent.); "couldn't fit in to everyday life" (41 per cent.); and "had family difficulties or no settled home" (40 per cent.). The main result is that all 15 descriptions were thought by *some* of the public to be true of *some* men who offended habitually, indicating that respondents recognised a wide variety of reasons why people went on offending against the law.

The other reasons chosen were that habitual criminals: (i) "took to crime because they got into debt"; (ii) "easily lost control of themselves"; (iii) "did things for excitement"; (iv) "felt they must rebel against something"; (v) "felt they never had a proper chance in life"; (vi) "were not brought up to know right from wrong"; and (vii) "were mentally unbalanced". Informants were then presented with seven possible reasons why men continued to offend against the law, even after being in prison. Again, all seven reasons were considered by some informants to describe some offenders. Over half said that the main reasons for criminals offending habitually were (i) "They did not think about the risks when they committed a crime," and (ii) "In prison they mixed with other criminals and came to accept crime as a way of life." A majority of respondents also thought that for at least some offenders one of the reasons for continually committing crimes was that (iii) "They did not mind being in prison as they got used to it." The other reasons were: (iv) "They were 'made that way' and were the sort of people nothing could stop"; (v) "Were not accepted by ordinary people when they came out of prison and so turned to crime again"; (vi) "Did not mind being in prison as they made a lot of money out of crime between sentences." Only a fairly small proportion thought that the severity of prison life was a factor contributing towards producing a persistent offender.

Lastly, informants were presented with six statements and asked to say which, in their view, described a method that would reduce the number of habitual offenders. More than 70 per cent. thought that this could be done by (i) training them during their sentences for jobs they wanted to do when they came out; (ii) giving them more advice and help to prepare them

⁴ These two categories were further divided into: (i) nearly all; (ii) more than half; (iii) less than half, and (iv) very few.

for life outside prison; and (iii) making prison life harder. Half the informants thought their sentences should be longer; over a third thought that they should be dealt with in some way other than being sent to prison, and about a quarter said that their numbers would be reduced if prison life were made more interesting. Over half the sample thought the majority of habitual offenders would be "put off" crime if they were trained for a job during their sentence and if prison life were made harder.

Prisons and Prisoners

To the questions testing knowledge about prisons and prison life, high proportions of "don't know" answers were given, and there were also high proportions of wrong answers. For example, when asked how many men were in prison in England and Wales at that time, only a quarter of the sample gave estimates within the (very large) acceptable range, *i.e.*, between 10,000 and 30,000. The figure given in the Prison Department's Report from 1966 (average population) was approximately 21,000.

Respondents seemed to be generally misinformed about conditions in prisons. Asked whether most prison cells were provided with proper flush lavatories, almost a third of the sample thought they were, although, on the other hand, about the same number knew that prisoners had to use a pot in their cells. However, over three-quarters of the informants thought that most prisoners had to share a cell, whereas only 11 per cent. knew that, in fact, a prisoner usually had a cell to himself. With regard to visits, just under half the sample thought that prisoners were allowed visitors more often than once a month; in fact, most prisoners were not. Nearly three-quarters of the informants thought they *should* be allowed visitors more often, while a fifth thought they should be allowed them twice a week or more. Similarly, less than a quarter of the informants knew that prisoners were only allowed to receive one letter a week, and about the same proportion thought they could receive as many as they liked. Although nearly a third knew that prisoners could send only one letter a week, over a third thought they could send as many as they liked.

People's impressions of a prisoner's day also tended to be rather inaccurate. Over half the sample thought that prisoners worked a normal day of seven or eight hours, whereas in fact it was more like four or five, on average. 60 per cent. of informants said that prisoners should be allowed to do the same jobs as men outside prison, but with much less pay, while about a third said they should be allowed to do proper jobs with normal rates of pay. Nearly a third knew that most prisoners earned, at that time, ten shillings a week or less, but almost the same proportion thought they earned more than that.

The informants were then asked questions about their attitudes to prisons and prisoners. On some issues the better-educated and those of higher socio-economic status were the more liberal, and on others men were more liberal than women. However, age was the factor most closely associated with liberal-mindedness, people between 21 and 30 being consistently more liberal than older people. Despite the fact that a high proportion of

respondents had only a vague idea of what prisons were like, half thought they should be more severe, while a third thought they should stay the same. Only 6 per cent. said they ought to be less severe than they were at that time.

Few people seemed fully aware of the problems that face ex-prisoners. Although 89 per cent. said they needed help in finding a job, only a third thought they needed financial help, and about the same proportion that they needed help in finding somewhere to live. Still less—about a quarter—thought they needed any kind of moral support. Although many people did not know the true extent of financial aid which was or was not available to prisoners' families, 60 per cent. of those who expressed an opinion said they thought such families got about the right amount of help. On the whole, people tended, we thought, to be rather punitive, and the majority of those who replied appeared to endorse what they believed to be existing regulations so that whatever they imagined to be the *status quo* was acceptable.

Informants were then asked whether it was more important, in cases of theft, to catch the criminal or to recover the stolen property. Over 60 per cent. thought that both were equally important. But while about a third thought it more important to catch the criminal, only 3 per cent. considered it more important to recover the stolen property. A greater proportion of those in the higher socio-economic groups and of higher education, and slightly more women than men, thought that catching the criminal and recovering the stolen property were equally important.

Attitudes to Self and to "Most People" as Potential Law Breakers

Informants were asked how many people they thought were always "law-abiding," and how many they thought were "prone to break some laws." 61 per cent. thought most people were prone to break some laws and 38 per cent. thought most were law-abiding. When describing themselves, however, 67 per cent. said they were law-abiding, and only a third that they were prone to break some laws. Differences between demographic groups were relatively slight in respect of views about "most people," although men and women differed considerably in their self-assessment. The two younger age groups were much more inclined to identify themselves as prone to break laws, so too were the professional and managerial groups and the skilled manual workers. Many who identified themselves as law-abiding readily admitted that they had, in fact, broken certain laws at some time or other. For example, several people who had previously said that they would not normally break the law admitted having taken things from work and travelling without paying their fare.

Informants were then asked what they thought it was that stopped most people, and themselves, from breaking the law. A third said that most people were stopped mainly by their inner feelings; nearly two-thirds said by legal restraints. When they spoke of themselves, however, nearly two-thirds said that they were mainly stopped by their inner feelings, and less than a third by legal restraints. A small majority said that, if they were caught breaking the law, they would worry more about having to appear

in court than about the sentence they might receive. A quarter said they would worry most about the sentence, and 15 per cent. that both would worry them equally. The proportions saying they would worry most about the sentence decreased steeply with age; other demographic differences were very small.

Victimisation

Informants were asked to recall offences of which either they themselves or a relative or friend had been the victim at any time in the past.

Nearly a third of the sample said they had had something stolen from them, considerably more men than women, more respondents in the higher socio-economic groups, and those who had had a higher education. The numbers of informants who claimed to have had things stolen declined steadily with increasing age. 14 per cent. claimed to have had their houses broken into, the percentage being higher for the top socio-economic group and those of higher education. Understandably, the figures increased with increasing age (younger informants would be less likely to own houses). Just over a tenth said they had had property deliberately damaged; men, members of the higher socio-economic groups, and those with a higher education claimed to have suffered most in this respect.

Six per cent. of informants had been attacked, nearly twice as many men as women; almost three times as many people between the ages of 21 and 30 as those over 50; and nearly twice as many living in conurbations as in rural or in other urban areas. Altogether, 44 per cent. of the sample said that they had been the victim of at least one offence. In only 60 per cent. of all cases had the most recent offence been reported to the police.

All those who had been victims themselves, or whose friends or relatives had been victims, were asked whether they had found anything particularly upsetting about the situation. About two-thirds said that they had, half of them claiming to have been the victim, a third that the victim was a relative, and 16 per cent. that it was a friend. 28 per cent. said that the shock was the worst thing about the incident, and a further 22 per cent. mentioned other things which contained an element of shock or fright. Altogether, only a fifth thought that the worst thing was the loss or damage suffered. Just over three-quarters reported that the police had been informed about the most upsetting incident. In cases where this was not so, the main reasons given were that (i) there was no point in pursuing the matter; (ii) it was not serious enough; (iii) the victim wanted to deal with the matter privately; and lastly (iv) the victim did not want to get someone else into trouble. In about a third of the cases the informant knew who the offender was, and 11 per cent. said they suspected someone. In nearly 3 per cent. of the upsetting incidents, the offender was caught, and nearly two-thirds of all offenders who were caught were known to have been taken to court and found guilty.

When asked which crime they were most afraid might happen to them, 30 per cent. of the sample said they were afraid of violence in general, a further 12 per cent. were afraid of murder or violent death, and another

8 per cent. of sexual assault. 10 per cent. said "robbery or theft," without mentioning violence; and 3 per cent. "being knocked down or killed by a motor vehicle." 29 per cent. said that there was no one crime of which they were most afraid.

Comparison with Other Work

This survey appears to be one of very few conducted in Great Britain into public attitudes to crime, although in the same year, 1966, another, and in some respects similar, investigation was commissioned by *New Society* in conjunction with the Granada Television current affairs programme "Scene." It was carried out by the Opinion Research Centre, and a representative quota sample of 824 people aged 21 or over was interviewed throughout Britain.

As is well known, the results of surveys in which the questions are not framed in exactly the same way can rarely be strictly comparable. One of the *New Society* questions, however, is directly relevant to the Government Social Survey, a question which asked people to explain the increase in crime. Over 90 per cent. thought that (i) lack of discipline in the home and (ii) inadequate severity of court sentences were important factors, more than 70 per cent. thinking they were very important. Other factors which over 70 per cent. of informants thought to be of importance were (iii) lack of discipline in schools, (iv) too few policemen, (v) more people wanting to get rich quick, and (vi) the fact that people "do not care enough about the young." Other reasons given, in descending order of importance, were: (vii) "people do not do enough to reform criminals"; (viii) "there is more about to steal"; (ix) "people go straight from school into dead-end jobs"; (x) "the poor are envious of the rich"; (xi) "people do not care what their neighbours think." In 1970, the *Daily Mail* requested a survey to investigate attitudes towards crime, violence and permissiveness in society. 50 polling areas were used, randomly selected from all constituencies in Great Britain, the final sample consisting of 1,000 people; and they, too, were asked to account for the increase in crime. More of them attributed it to a lack of parental discipline than to any other factor, and altogether nearly 70 per cent. of informants blamed a lack of social or moral discipline. Over 70 per cent. thought that the courts were too soft with offenders, that there were not enough police to enforce the law, and that crime was encouraged by the amount of talk about it in newspapers and on television. Scrutiny of the first part of the present summary will show that the causes of crime given in all three surveys were very similar, as were the proportion of informants giving each particular reason.

It is interesting to compare these findings with the results of an American survey carried out in 1967 by Louis Harris for the Joint Commission on Correctional Manpower and Training. Nearly 1,000 adults of 21 years or over and nearly 300 teenagers between the ages of 16 and 20 were interviewed. The sample was a representative one drawn from 100 distinct geographic locations. When asked the main reason why people become criminals, nearly 60 per cent. thought that one of the main reasons was

that parents were too lax. The next most important reasons given, although by only 16 per cent. of the informants, were bad environments and poverty. 10 per cent. or more thought that unemployment, lack of education, young people having no morals, alcohol and drugs were causes of crime. Less than 10 per cent. gave as reasons for people becoming criminals: (i) "broken homes"; (ii) "not enough recreation for the young"; (iii) "for kicks"; (iv) "people have too much"; (v) "too many on welfare"; (vi) "lack of religion"; (vii) "courts are too lenient"; (viii) "this is a time of unrest"; (ix) "kids see violence on television"; (x) "criminals are mentally ill"; (xi) "too many restrictions on the police". Not all these findings are the same as those of the Government Social Survey, which does not mention bad environments, poverty, unemployment or lack of education. Otherwise, the reasons given are very similar in both surveys, although the proportions differ. In the British survey lack of parental discipline as a cause of crime does not stand out nearly as much as in the American survey, where it is far and away the cause cited by most people.

A few other findings of the *New Society* survey have an indirect bearing on the present survey, although the results are not strictly comparable. For example, the *New Society* informants were asked how much they worried that their homes might be burgled, or that they might be attacked or assaulted. 26 per cent. worried a great deal about being burgled and 16 per cent. about being attacked. This is slightly different from the question asked in the Government Social Survey, which was: "Which crime are you most afraid might happen to you?", a difference which probably accounts for the rather different responses. In the Government Social Survey 30 per cent. of the informants said they were afraid of violence in general, while only 10 per cent. said, without mentioning violence, that they were afraid of robbery or theft.

The *New Society* informants were also asked whether they thought that almost everybody does criminal things from time to time. Well over a half (58 per cent.) thought that almost everyone did, while just over a third (36 per cent.) thought not. In the Government Social Survey the findings were very similar, 61 per cent. thinking that most people were prone to break some laws, while 38 per cent. thought that most were law-abiding.

Both surveys also asked people whether or not they considered certain crimes to be serious. Unfortunately most of the crimes under consideration were different. The only two that were common to both surveys were sexual offences against children and fraud. Nearly all the informants in each survey thought that sexual offences against children were serious, and large majorities in both considered fraud to be so.

Various other studies of public attitudes towards crime have been carried out in the United States. Jennie McIntyre, in the *Annals of the American Academy* in 1967, summarising some of these, said that recent public opinion polls showed evidence of rising concern about crime. Surveys carried out into the causes of crime showed a concern with the country's morals. When a Gallup poll asked the causes of crime, most people, again, suggested poor parental guidance or inadequate home life and supervision of teenagers.

Unemployment, racial problems, broken homes and low moral standards were next in importance. Many of these reasons are mentioned in the present summary. Most American informants thought that stricter law enforcement was the way to deal with the crime problem. A survey in Washington D.C. asked whether sentences given by the courts in that city were too lenient or too harsh, and most respondents thought they were too lenient. A Gallup survey in 1965 produced similar results.

Like the British survey, American surveys had included questions in which people were asked whether or not they had reported crimes of which they were the victim, and if not why not. The reasons most frequently given for not reporting crimes were that it would be useless to do so, and a general reluctance to become involved. Some people who had witnessed incidents denied any responsibility in the matter. The fear of reprisals sometimes prevented people from notifying the police of a crime, some people believing that personal harm might come to them from the offender or his friends. People were, in fact, particularly worried about crimes of violence, even though these occurred less frequently than any other kind of offence, and this seems to be the outstanding finding of the American surveys.

The main thing that seems to stand out from all these surveys is the general agreement about the causes of crime. A majority of people everywhere think that crime can be attributed to lack of parental discipline, although this feeling tends to be stronger in America than in Britain. Answers given in recent American surveys suggest a concern among the people with the rapidly increasing crime rate, but McIntyre points out that, when completely open-ended questions were asked by Gallup polls in America about the problems facing the nation, crime was not mentioned by enough people to warrant an investigation until 1966. The surveys into public opinions about crime at that time can therefore be attributed, at least partly, to a rising and widespread concern. It seems probable that the British public were also becoming more concerned about crime in the mid-1960s but, as the two surveys carried out in this country in 1966 did not ask direct questions about this, no firm conclusions can be drawn about Britain.

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JUVENILE DELINQUENCY, PARENTAL CRIMINALITY AND SOCIAL HANDICAP

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THE data presented in this article are part of the findings of the Child Development Study which has recently been completed at the University of Birmingham. Fifty-six families, known to the Social Services Department and living in the inner ring zone of a large city, were studied. They were intact families, of indigenous origin, having five or more children including a child aged between three and five years and a boy aged six or aged 10. The boys of these two age groups constitute the main sample. Although the families were not selected with reference to degree of social handicap, their reasons for referral to the Social Services Department suggested malfunction in terms of rent arrears, eviction, problems of school attendance, debts, or inability to cope in a critical situation without support of the agency. Two control groups of boys aged six and 10 attending the same schools were to be selected, representing families with no or only a mild degree of social handicap, and families with a moderate degree of social handicap. A simple instrument was designed which aims at establishing degrees of disadvantage of environmental features which are known to be related to under-functioning or malfunctioning at school (Wilson and Herbert, 1974). The items constituting the instrument were (i) father's occupation, (ii) size of family, (iii) adequacy of boy's school clothing, (iv) school attendance and (v) parental contact with school. A variable relating to housing was considered unnecessary since the study was located in areas of fairly uniformly poor housing. Total scores ranged from 1 to 11. Among the high scores there were more children with poor clothing, much absence from school for suspect reasons, children from large families, low social class, and lack of parental contact with school. A pilot study of 389 boys indicated that the 0-2, 3-4, and 5-11 ranges of social handicap accounted for about 40, 30, and 30 per cent. respectively of the indigenous boys in the catchment areas of the research. It indicated also that nearly all the main-sample boys fell into the severe social handicap category and are probably representative of it. Two controls were selected for each boy from the main sample, nearest in age and attending the same school, one scoring 0-2, the other 3-4 on the social handicap instrument. There were in all 56 controls and 28 main-sample boys aged six, and 61 controls and 29 main-sample boys aged 10, attending 39 primary schools.

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The primary objective of the research was to explore the relationship between a socially disadvantaged home and the boys' functioning at school, and to relate the findings to delinquent behaviour. A full account for publication is in preparation. This paper reports the findings on delinquency.

The younger of the two age groups of boys, the six-year-olds, is outside the law. The older age group, boys aged 10 at the outset of fieldwork, was some three years older towards the end. But interest lies not only with these boys; one would wish to know also whether any of their brothers or sisters had become delinquent. Our study treats delinquency as a family problem, and it was related to an intensive investigation of child-rearing methods. With the co-operation of the Chief Constable, the Probation Service, and the Social Services Department we obtained full information about delinquent acts leading to official action for all children in the main sample, and for the controls aged 10. We also obtained records of indictable and non-indictable offences of the parents in the main sample. We were thus able to identify criminal and non-criminal families, and to relate these to absence or presence of delinquent children.

Method

In the city in which this research was conducted it is the practice of the police to caution children who have been caught committing an offence provided they have not previously been caught offending. This caution is recorded and the records were made available to us. For the purposes of this research the definition "delinquent" refers to any of the four following categories, unless stated otherwise: (i) an official caution; (ii) a finding of guilt in a juvenile court; (iii) a care or control order; (iv) a direction under the Education Act. In the same way as in the writer's Cardiff study (Wilson, 1962), four measures of delinquency rates were obtained: (a) the rate of convictions as a function of age; (b) the rate of offenders as a function of age; (c) the percentage of boys or girls so far unconvicted who become delinquent at each year of age; (d) the prevalence rate, being the percentage

TABLE I

Age and sex distribution of children "at risk"

Age	Year of birth	No. of boys born	No. of girls born	No of boys at risk		No. of girls at risk	
				Total	Not yet delinquent	Total	Not yet delinquent
9	1962	19	5	—	—	—	—
10	1961	16	8	108	108	74	74
11	1960	17	14	92	89	66	65
12	1959	21	6	75	63	52	48
13	1958	12	7	54	43	46	42
14	1957	6	13	42	30	39	33
15	1956	6	6	36	24	26	20
16	1955	6	5	30	15	20	15
17	1954	5	6	24	11	15	9
18	1953	6	5	19	6	9	6
19	1952	3	2	13	6	4	3
20	1951	10	2	10	5	2	2
21	1950						

TABLE 2

*Number of focus-family children committing offences and
number of offences committed at each year of age*

Age	No. at risk		No. of Offenders		No. of offences		Offenders per hundred		Offences per hundred	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
10	108	74	3	1	3	1	3	1	3	1
11	92	66	14	3	19	3	15	5	21	5
12	75	52	13	2	15	2	18	4	20	4
13	54	46	11	4	14	6	20	9	25	13
14	42	39	7	3	9	3	16	8	21	8
15	36	26	7	0	11	0	20	0	31	0
16	30	20	10	3	15	4	33	15	50	20
17	24	15	6	0	8	0	25	—	33	—
18	19	9	4	0	5	0	(21)	—	(26)	—
19	13	4	2	0	2	0	(15)	—	(15)	—
20 } 21 }	10	2	2	0	4	0	(20)	—	(40)	—

of boys and girls at each age who have become delinquent before or during the year in which they attain that age.

For the calculation of rates (a) and (b) it is sufficient to know the total number of children who have passed through each age, and the number of convictions and/or cautions at each age. For the rate of entry into delinquency (c), however, the number passing through each age has to be reduced by removing those who have already been delinquent, and by counting only those who have attained the stated age by 1971. The resulting numbers of children "at risk" at each age are given in Table 1. The numbers of convictions and cautions at each age, together with the corresponding delinquency rates, are given in Table 2. For many purposes the offender rates (b) are of greater interest than the offence rates (a); these are also given in Table 2. The rates of entry into delinquency (c) are obtained similarly, and the results are given in Table 4. From these rates of entry

TABLE 3

Cautions and convictions of focus-family children as a function of age

Age	No. at risk		No. of cautions		No. of convictions		Caution rate		Conviction rate		Combined rate	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
10	108	74	2	0	1	1	2	0	1	1	3	1
11	92	66	7	1	12	2	8	2	13	3	21	5
12	75	52	2	1	13	1	3	2	18	2	20	4
13	54	46	3	0	11	6	5	0	20	13	25	13
14	42	39	1	0	8	3	2	0	19	8	21	8
15	36	26	1	0	10	0	3	0	27	0	31	0
16	30	20	1	0	14	4	3	0	47	20	50	20
17	24	15	0	0	8	0	0	0	33	0	33	0
18	19	9	1	0	4	0	5	—	(21)	—	(26)	—
19	13	4	0	0	2	0	0	—	(15)	—	(15)	—
20 } 21 }	10	2	0	0	4	0	0	—	(40)	—	(40)	—

Note Caution and conviction rates are percentages of the total number of boys or girls at risk within each year of age. Each caution or conviction is counted only once, even if there are multiple charges and other offences are taken into consideration.

TABLE 4

Rate of entry into delinquency for focus-family children

¹ Age	² No. at risk		³ No. first delinquent		⁴ % delinquent		⁵ Cumulative % delinquent	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
10	108	74	3	1	3	1	3	1
11	89	65	11	3	12	5	15	6
12	63	48	5	1	8	2	22	8
13	43	42	7	2	16	5	34	12
14	30	33	3	2	10	6	42	18
15	24	20	5	0	21	0	54	18
16	15	15	3	2	20	13	63	29
17	11	9	0	0	0	0	63	29

the cumulative delinquency rate (prevalence) can be estimated in the following way. Suppose that out of 100 children a number $N(x)$ have been delinquent before or at age x , and that out of 100 children not yet delinquent a number $P(x)$ become delinquent at age x . At the end of age x , then, there are $N(x)$ delinquents and $100-N(x)$ non-delinquents. Of the $100-N(x)$ non-delinquents, $P(x+1)$ per cent. will become delinquent at age $x+1$, so that at the end of age $x+1$ the total number of delinquents per 100 will be $N(x) + P(x+1) [100-N(x)]/100$. This number is, however, $N(x+1)$, so that the cumulative delinquency rate for any age can be obtained from the rate of entry at that age and the cumulative rate for age one year younger. The results are given in Table 4.

It should be noted that in all tables a caution or conviction is recorded only once even if it relates to several charges, or if several cases are taken into account in sentencing. The offence rates are thus lower than they would be if a different convention were adopted.

Findings

The 56 families who form the main sample contained 182 children aged 10 or over at the date when the search of records was closed (February 1972). The distribution by sex and year of birth is given in Table 1. The great excess of boys (108) over girls (74) may, without explanation, lead to misunderstanding. If the sample were random, the sex discrepancy would be significant statistically (chi-squared=6.4 with 1 d.f., significant at 1 per cent. level). However, the sample is not random, as 28 families were chosen having a boy aged six, and a further 28 having a boy aged ten. One of the six-year-olds attained age 10 in 1972, so the expected number of boys is $28 + 1 + \frac{1}{2} (182-29) = 105\frac{1}{2}$, and for girls $76\frac{1}{2}$, instead of the 91 of each to be expected for a random sample. The slight excess of boys is not significant (chi-squared=0.14 with 1 d.f., chance expectation).

The effective number of children aged ten or over decreases rapidly with increasing age. As can be seen in Table 1, there are 24 children born in 1962, but only five children born in 1952. Since one of the conditions for selection was having a pre-school child, this distribution of ages is to be expected; the majority of the children were under ten in 1971. Five families had no .

TABLE 5

Number of boys "at risk" in 27 families with delinquent children and 24 families with no delinquent children

Number of boys "at risk"	Number of families	
	Delinquent	Non-delinquent
None	1	2
1	6	11
2	8	7
3	5	3
4 or more	7	1
Totals	27	24

children of either sex aged 10 or over, and the firstborn of another four families had only just reached the age of 10. Taking off the five families with no children at risk, we are left with 51. Of these 27 have delinquent children and 24 have none.

It is important to take into account the differences in delinquency rates between the sexes. Nationally these are in the ratio of 5-6 males to one female. In our sample it proved to be approximately three to one, but at the two peak ages of 13 and 16 years it was two boys to one girl. As the total numbers of convicted girls are small, numbers fluctuate and the average ratio can be no more than an approximation. (For details see Table 2.) Nevertheless it can be stated with some certainty that the chances of a girl in our sample becoming delinquent are clearly lower than those of a boy. Of the 27 families with delinquent children, 24 have delinquent boys and some of these also delinquent girls, but three families have delinquent girls only. In a comparison of families with and without delinquent children three factors are of importance: (1) the number of children at risk, (2) the ages attained, and (3) the distribution of the sexes. The non-delinquent families had 71 children at risk, an average of just under three per family. The delinquent families had 112 children at risk, an average of over four per family. Taking boys only, there are 39 in non-delinquent families, an average of 1.6; and 68 in delinquent families, an average of 2.5. Furthermore, in the non-delinquent families only 16 boys had reached the age of 13, whereas 37 boys of the delinquent families had reached that age. In other words, the families who by February 1972 had produced delinquent children have more children at risk, more boys at risk, and more boys aged 13 or over than the non-delinquent families. The distribution of boys at risk in both types of family is shown in Table 5.

Does this statement allow the conclusion that the prognosis for the so-far non-delinquent families is bleak? A glance at the cumulative delinquency rates indicates that this may indeed be the case. Table 4, column 4, shows the percentage at stated ages who are first delinquent, and column 5 gives the percentage who have become delinquent before or during the year of age stated. At age 10 three boys had been found guilty, which is just under 3 per cent. of the 108 boys at that age. At age 11 another 11 boys had committed their first offence; adding the three previous offenders, the cumulative

TABLE 6

Offences classified by type and sex of offender; care or control orders classified by sex

Type of offence	Boys		Girls	
	Convicted	Cautioned	Convicted	Cautioned
Larceny	27	17	4	—
Breaking and entering	38	3	—	—
Taking and driving away	1	—	1	—
Drunk and disorderly etc.	3	—	—	—
Truancy	13	—	9	—
Care or control order		5		4

rate is 15 per cent. At age 13 well over a quarter of the boys had committed at least one offence, and at age 16 well over half had done so. The rates for the girls are much lower and because of small numbers can only be regarded as a rough approximation. Although in all only 38 boys and 12 girls had become delinquent, Table 4 does not show that many of these committed more than one offence.

Table 2 shows the number of children committing offences and the number of offences at each year of age. The number of children committing offences at each year of age gives an indication of the problem of the recidivist. Counting only the major charge and no further offences, the totals were 107 for the boys and 19 for the girls; these do, however, include cautionings as they involve an admission of guilt. (Separate counts of findings of guilt and cautions appear in Table 3.) The largest percentage of boys committing offences is found at age 16, when 10 boys, a third of those at risk, committed 15 offences. In other words, the 38 boys and 12 girls who had become delinquents have caused a considerable amount of trouble. Table 6 shows type of offence and sex, convictions, care or control cases, and cautions. Breaking and theft are the most common offence.

The group of delinquents who give most concern are 19 boys and three girls who committed at least three offences each. These 22 children belong to 12 families. Another nine children who offended once or twice are members of the same 12 families. Thus, out of a total of 50 delinquent children, 31 (62 per cent.) came from 12 families. Significant differences in child-rearing methods between the highly delinquent and non-delinquent families were found to exist. (Wilson, 1974).

Comparison of the Main-Sample Boys and their Controls

As explained in the introduction, the two groups of controls were selected on the basis of (a) a mild, and (b) a moderate degree of social handicap, and the main sample was found to be severely socially handicapped. Among selection criteria was the item "Absence from school for suspect reason" with a weighting of 2 or 3 according to time lost. In a comparison of delinquency between the main sample and their controls appearance in

court for truancy was not counted. Similarly, cautions were not counted. Seven boys were found guilty of at least one offence in the main sample, and one moderately socially handicapped control was found guilty of one offence, by the time they were approximately 13 years old. As shown below, the difference between the main sample and the controls is statistically significant.

Main sample and controls: Offenders

	Delinquent	Non-delinquent	Total
Main sample	7	22	29
Controls	1	60	61
Total	8	82	90

($P=0.0013$ on the Fisher "exact" test)

It is worth drawing attention to the fact that no mildly socially handicapped control had a record; among moderately socially handicapped controls one was delinquent, and a further three had had cautions. Among the 29 main-sample boys, three had been cautioned in addition to the seven delinquents. The social handicap instrument thus identifies degrees of delinquency-proneness, if applied to boys not older than 13 resident in poorer working-class areas.

Comparison with the Cardiff Survey

The sample of families in a previous study (Wilson, 1962) was not directly comparable with that of the present study. The families were taken from a pool of those who had come to the notice of the local authority for suspected child neglect, and they had been selected on the basis of a minimum number of performance-inadequacy symptoms. Thus they formed what might be considered to be a hard core of families with many problems. In contrast, the families who formed the present sample were known to a Social Services Department during 1968-1970, *i.e.* several years after the Children's and Young Persons' Act 1963 had enabled the local authority to assist families in critical situations by cash payments and in other ways. A number of the sample families were self-referred, and others had only had short contact with the Department. Half the sample had at one time, or were currently having, preventive supervision. There is a chance relationship of those on preventive supervision and the occurrence of delinquency; 14 of the 28 families in this category had delinquent children.

A comparison of delinquency rates in both samples is of some interest, even though the age of responsibility has been raised from eight to 10 years. The Cardiff data have been recalculated to match the indices used in this study. The main differences are summarised. Delinquency rates for both boys and girls are lower than the corresponding rates for the Cardiff main sample, but higher than for the Cardiff controls. The latter consisted of all families living in specified streets in two areas containing a high concentration of research families. At age 15 two-thirds of the Cardiff boys and one-third of the Cardiff girls had become delinquent; in the present study the respective rates are about one-half and one-fifth. The peak age was

reached earlier in Cardiff, 37 per cent. of the boys were delinquent at age 13, compared with 33 per cent. delinquent at age 16 in the present sample. For the Cardiff girls the peak age was also 13, and for the present sample 16 years, with a lesser peak at 13.

Relation between Parental Offences and Juvenile Delinquency

In 23 families (41 per cent. of the sample) there was no record of an offence by either parent. In 22 families (39 per cent.) fathers only had convictions, and in four families (7 per cent.) mothers only had convictions. In the remaining seven families (13 per cent.) both parents had a record of convictions. The seriousness of offences and numbers varied considerably. We devised an index of criminality in which weight was given to the type of offence, the age at which the offence was committed and the number of convictions. The scoring system is as follows:

Score 0 No offence.

- 1 One or two non-indictable offences, or one indictable offence dealt with by a juvenile court, with or without one non-indictable offence.
- 2 Two offences, at least one being indictable and dealt with by an adult court.
- 3 Three or four offences.
- 4 Five or six offences.
- 5 Seven or eight offences.
- 6 Nine or more offences.

Additionally, an indictable offence, or offences, committed more recently (1964 or later) increases the score by 1. The family score is obtained by adding individual scores of either parent. The classification of families in accordance with this index of criminality is shown below:

<i>Description</i>	<i>Score</i>	<i>No of families</i>	<i>%</i>
Non-offenders	0	23	41
Minor offenders	1	9	16
Medium offenders	2-6	17	30
Major offenders	7-14	7	13
Total		56	100

A correlation of parental score with the occurrence of delinquent children indicated a U-shaped relationship, with the highest percentage of delinquency in families where the parents are either non-offenders or major offenders. Such a correlation is, however, not satisfactory, as it classifies children as delinquent or non-delinquent without regard to age. To obtain a more accurate measure the number of child-years at risk was estimated for each family, and was found to range from one to 52 among the 51 families with children aged ten or over. The average child-years at risk for the four parental-score groups were 17, 9, 16, and 25 respectively; this goes a long way to explaining the greater concentration of delinquents in the lowest and the highest parental-score groups. An analysis taking account of the number of years at risk is given below.

JUVENILE DELINQUENCY, PARENTAL CRIMINALITY AND SOCIAL HANDICAP

<i>Parental Score</i>	<i>Total years at risk (boys)</i>	<i>Number of offences (boys)</i>	<i>Number expected on hypothesis</i>
0-6	438	73	80.8
7-14	77	22	14.2
Totals	515	95	95.0
	(girls)	(girls)	
0-6	248	7	12.9
7-14	97	11	5.1
Totals	345	18	18.0

Boys: Chi-square=5.04 with 1 d.f., $P<0.025$

Girls: Chi-square=9.53 with 1 d.f., $P<0.005$

This analysis shows, for each parental-score group, the number of boy-years at risk, the number of offences committed by the boys, and the corresponding figures for the girls. As there was no significant difference between offence rates for the score groups 0, 1, and 2-6, these were merged for comparison with group 7-14. It will be seen that children whose parents score 7-14, *i.e.* whose parents are major offenders, have about twice the offence rate of those from families who are minor offenders or non-offenders. The difference is statistically significant, as can be seen by applying the one-sample chi-squared test to the hypothesis that the number of offences is simply proportional to the number of years at risk. There is thus a very strong suggestion that parental criminality correlates positively with juvenile delinquency.

Summary

This study shows that juvenile delinquency correlates highly with severe social handicap as measured by an instrument scoring father's occupation, size of family, adequacy of school clothing, school attendance, and parental contact with school. Juvenile delinquency, furthermore, correlates with parental criminality. These findings are in substantial agreement with those of West (1973), who suggests "five background factors of particular significance in making a boy vulnerable, namely low family income, large family size, parental criminality, low intelligence, and poor parental behaviour." The work described here gives independent confirmation of the first three of West's factors. The fourth factor, low intelligence, has been found to be significantly related to degree of social handicap. Ability tests of the six- and ten-year-old school boys showed that the mean scores of the three social-handicap groups in both ages are significantly different for all tests: the greater the degree of social handicap, the poorer the results. This is the case on two measures of vocabulary, and to a lesser degree (but still significant) on a non-verbal reasoning test (Wilson and Herbert, 1974). Finally, West's fifth factor, parental behaviour, has been found to be significantly related to delinquents and non-delinquents within the main sample. In a delinquent milieu, in which authoritarian and repressive methods of child-rearing are common, the only effective protection against delinquency appears to be a strict parental regime that limits the children's freedom of movement. Contrary to expectations the quality of the home atmosphere and parental participation in the children's activities showed only a chance relationship (Wilson, 1974).

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BECOMING PROSTITUTED

The Decline of the Massage Parlour Profession and the Masseuse

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THIS article is concerned with the way in which a masseuse forms her self-identity. The labelling perspective will be used to highlight that formation because it is necessary to show the processes through which her self-image is built. These include the way the label is construed and attached, and how that affects the deviant's way of life. The concepts used to highlight this process include: her entrance into the occupation, finding out what the occupational requirements entail, the economic advantages of various occupational performances, the contemplation period, the attachment of the prostitute label, and the reaction by the masseuse to that label.

Labelling is a perspective which examines the means by which deviant status is assigned to members of a social group. (Becker, 1963; Schur, 1965; Gibbs, 1966; Cicourel, 1968). It includes the whole spectrum of rule-makers, enforcers, deviants and their reaction to the label (Kitsuse, 1972). Some of its proponents have argued that the social control agencies which actually label and try to control deviants merely reinforce them. Such self-fulfilling prophecies have occurred in mental hospitals (Goffman, 1961), police encounters with juveniles (Pilivian and Briar, 1964) and the making of a "bum" (Spradley, 1970). The relationship between social control efforts and the reinforcement of the deviance (secondary deviation) is an important hypothesis (Lemert, 1951, 1967). This article will attempt to clarify whether the labelling process actually reinforces the deviance for a sample of masseuses.

The method for gathering data was through direct interviews. Since deviants generally distrust outsiders, the interviews began with a massage parlour owner known by myself and my research assistant. This owner agreed to introduce us to two of his masseuses. After the interviews they referred us to other working masseuses in different parlours who referred us to more masseuses. In the end 15 masseuses, two husbands and four owners had been interviewed from nine parlours in one United States west coast community. It was impossible to use questionnaires, surveys and participant observation methods to gain information because of the respondents' reluctance to "putting anything in writing" or "answering a bunch of stupid questions". The interviews ranged from two to four hours each, most were tape-recorded, and all were in private. There were many advantages in using the interview method on a small sample. Open-ended questions were employed during the interviews which allowed for testing of reliability of responses. For instance, responses concerning working con-

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ditions from different employees at one parlour were compared. The kind of factors discussed required greater detail than a survey or questionnaire could provide—for instance, how an individual maintains self-respect.

The data were coded and categorised with attention to the masseuse's personality, her working conditions, public reaction to her occupation, and her relationship with owners, customers and police. The institutional history of parlours and their subsequent labelling as deviant were traced. An important era that brought about radical changes within the profession started with the media publicity concerning sexual activities. Of the masseuses interviewed 12 were hired before this publicity began; they will be referred to as pre-publicity masseuses. They went through the labelling process completely as described in this article. The remaining three started work following the onset of publicity and will be referred to as post-publicity masseuses.

The community used in this study is a suburb of a large metropolitan area on the west coast. It has a population of 100,000, maintaining 22 massage parlours within its jurisdiction. Only one parlour had operated from 1960 to 1970. Not until late 1971 did more parlours begin to operate.

Entrance into the Profession

The high rate of unemployment for young, unskilled women in this community has been the major factor in obtaining a work force for massage parlours. According to the owners, at this time an average of 50 women applied for each available position. A typical response to the question "How did you ever get into this occupation?" was: "Very simple! I needed a job and no other work was available at the time." A boom was occurring in the parlour business at this time. More parlours opened to meet the rising demand of curious customers as news of the illicit sexual activities offered in most parlours travelled by word of mouth among potential customers. However, none of this publicity reached the females who expressed naïvete concerning the sexual activities.

All masseuses applied for entrance into this new profession either through reading classified newspaper advertisements (nine) or by referral from working masseuses (three). Those referred from other masseuses were not informed of the sexual activities. The advertisements did not mention sexual activities; they gave the impression of a legitimate profession in order to attract applicants. These "very straight" advertisements typically read: "Masseuses needed—part or full-time—training included. An equal opportunity employer." The inferred legitimacy of this profession was based upon three factors: training was included, an "equal opportunity employer", the lack of information on sexual activities involved with the job. Training was mentioned so that the job would seem to be an opportunity for the applicant to enter a skilled craft. The employer followed federal hiring practices by not discriminating according to race, creed or colour and this added further legitimacy. The advertisements appeared in all major daily, underground, and campus newspapers and attracted hundreds of job-seeking women of all ages and walks of life. As one owner put it: "We put a small

ad in the . . . and simply got swamped! I interviewed 10 to 15 girls a day for the next week."

This occupation appeared then, to the novice, more analogous to physical therapy than to prostitution. The girls who answered these advertisements were unanimous in expressing naivete towards the sexual aspects of their new occupation. The sample includes three graduates, five undergraduate college students and two housewives who had applied at that time.

During the initial interview, the owner did not disclose any of the sexual activities associated with the job, his reluctance being due to strict soliciting laws. One owner started off by telling applicants that "customers are going to be expecting you to jack them off!" He was quickly arrested for soliciting a woman to perform a lewd act. The owners' grapevine used this event as a rationale for evading that topic in subsequent discussions with the masseuse. They simply decided to allow the first customer to inform a naïve masseuse as to what was expected of her. An owner said: "I don't do things that can get me busted . . . I wouldn't tell a masseuse to give locals—that's soliciting. Let someone else tell her, like her first John (customer)."

The advertised training normally involved giving the applicant a book on massage techniques and having her apply them on her first customer.

The acceptance for employment depended upon the employer's criteria for body type and personality. An attractive body and an outgoing, charming personality were unanimously considered as the primary criteria.

Finding out What the Occupation Entails

Finding out what the occupation entails generally occurs during the first massage. Unlike the call girl, who has a publicly defined role, initially the masseuse has an unknown role which potentially makes her interactions with the customer awkward. There are three factors which account for this: she lacks the competence on her first working day, there is a role-definition discrepancy between the professional masseuse and the customer, she lacks any personal information about her customers and colleagues. Lack of competence is not remedied until she begins massaging her first customer. The professional masseuses know all about the occupational role but do not share their knowledge with the apprentice until after she begins massaging customers. This is due to the fact that they anticipated competing with her subsequently (rate of pay is determined on a commission basis which discourages the professionals from sharing the tricks of the trade with apprentices). Having no initial support from her colleagues, the apprentice is unaware of what to expect. She receives no prior information about the customer and any idiosyncrasies he may have. All 12 masseuses went through this process, as described.

There are various steps which a masseuse must psychologically master before gaining competence in this profession. The first is confrontation with a naked man. She usually begins the massage at her own pace with the most non-erotic part of the naked stranger, the neck. This gives her time to

feel at ease. She slowly works down the man's body during the next half-hour. By this time she has rebounded from the initial shock of touching a strange man in the nude. She barely notices his nudity until the time comes for him to flip over on his back. Again, she starts with the throat and goes down to his arms and chest while she gets used to seeing (and stops staring at) his penis. The non-verbal communication is strong; she begins gaining competency as his muscles relax indicating pleasure from various techniques she employs. When the massage nears the end, the excited man then asks for the "local" (hand masturbation). This is where the job requirement suddenly comes into revelation.

Every naive masseuse in the study was startled at this point, but the situation allowed only a few minutes to contemplate her decision. All those in the sample gave the customer the first local; the owners estimated that 95 per cent, did so. As one girl said; "I watched him (owner) hire other girls and he never laid down the whole trip to them. She'd be in the dark until she actually started working there and then pow! It doesn't give you much time to think it over. Oh, there's time to think—you can think pretty damn fast—but no time to dwell on the horror of the unknown."

There were three factors which influenced the masseuse in giving the first local, similar to Garfinkel's (1967, pp. 58-65) three conditions for breaching an individual's expectancies in order to produce confusion and change his position: (1) lack of time to contemplate and to redefine the situation; (2) realisation of the customer as sole judge of her performance; (3) privacy associated with it—she could neither avoid the seriousness of the situation nor leave the scene without losing her new job. She is either so disgusted that she leaves the profession at once or she becomes accustomed to it.

Those who did not give locals were immediately confronted by their boss. Since the customer is sole judge of the masseuse's performance, the boss judges the masseuse by customer reactions: "That was what came between us (the boss). I knew some of my customers left unsatisfied and probably told the boss I wasn't sexy. He started coming down on my case as to why customers wouldn't come back for me. He favoured happy customers and a steady clientele that would return regularly. I didn't help in that respect at all."

Locals are facilitated by the owners' policy of letting the new masseuse attend to six to seven customers on the first day. Typically he tells the older masseuses to let the apprentice get more customers, so as to break her in: "I made a lot of money (\$40) during my first day. I came back the next day only to find more women on the job and I only took home \$25. I found out later that Jack (owner) lets new ones get a lot of customers to make the job look good." This allows her to give many locals during the first day before going home to contemplate. The naive masseuse finds out suddenly what her new job entails and, by and large, hastily and unthinkingly gives a local. The pace of business is so great on the first day that, while she must give five or six more locals, she still has little time to think about the sexual requirements.

Economics of Occupational Performance

A masseuse will soon find out that the 40 per cent. commission pay scale is not very rewarding for \$10 regular massages (without locals). Masseuses failing to grant customer requests for locals do not survive in this occupation. One masseuse put it well: "If you're giving straight massages (no locals) you might as well be on welfare." "Hey, you must be kidding! You couldn't make it in this business without locals. I mean there's just no way." Nearly every customer solicits the masseuse for a local.

One masseuse said: "I guess there were only four customers that never asked for a local out of over 500 massages I gave at . . ."

Even giving locals does not guarantee a decent living wage. Few customers come in, request locals and are satisfied. Masseuses only performing locals usually earn an average weekly salary of \$110 (based upon an average of five locals per shift $\times$ \$4 commission $\times$ six days per week). Tipping is not a common practice among customers who only receive locals. The quest for larger financial rewards pressures the masseuse into more extreme sexual activities (fellatio and intercourse). The low pay forces girls to cater to customers' wishes in the hope of receiving tips, and this leads to sexual activity other than hand masturbation. I asked one masseuse how she got so many tips: "I use my body, that's all I need." I found a fellatio specialist at one parlour; it was said that she could give a customer an orgasm within three minutes. Custom was extremely good at this parlour, and on a busy shift she might perform oral sex up to 20 times. Sexual specialists (fellatio, anal or domineering) attract large numbers of customers, guaranteeing high profits for both masseuse and owner.

If the customer is satisfied, he may become a regular, which makes the rate of pay less sporadic. A masseuse can fill her hourly schedule, every hour, if she is active enough to attract a number of regular customers. When this happens, and it does, a masseuse can make nearly \$130 per day. A customer will pay at least \$40 to have intercourse, and her commission will be \$16. The whole process takes around 1.5 hours. Most masseuses work a 10-hour shift which allows for eight such sessions yielding \$128 per day. It is therefore financially appealing to become a "swinging masseuse".

The economic spin-off of ignorance concerning occupational roles and the activities of competitors is graphically illustrated by the following: "I couldn't figure out what was going on at the first place I worked. I was twice as pretty and built better than the other girls, but they were getting all the customers. I found out later that most of them were turning tricks. Hey man! Those whores even have rooms rented by the month at the motel across the street!"

Contemplating Occupational Requirements

It was unanimously stated that the first opportunity for a new masseuse to contemplate was after the first day's work. "What did I do?" was the first question she asked herself on getting home. A feeling of distress prevailed for 10 of them (84 per cent.) after long consideration of the impact of that question. "Today I massaged a naked man, excited him, and

jacked him off to satisfy that excitement, and he paid me for it!" It did not occur to any of the new masseuses, until this contemplation period, that the job requirements were similar to those of a prostitute. The immediate reaction for these women might have been to avoid returning to work the next day. Yet there appeared to be two variables influencing their acceptance of the job: numerous locals had already been administered, and they had proved to be financially rewarding.

The reason why three owners allowed the new masseuse to receive an unusual number of customers was to highlight the job's financial rewards. An owner said: "There is an advantage in letting her know on her first day that she can make a lot of money by playing ball. Sending in a lot of customers to her on her first day drives the point across clearly." Another, probably unrealised, source of influence is that the vast amount of business given to the new masseuse is basically to facilitate adaptation to performing locals. "If you think about it, you probably won't do it. It's the same with nude modelling or working in topless bars. If you just do it, it's not so bad. You don't have the time to feel guilty."

The second question every masseuse asked herself was: "How much money did I make?" The answer was that the money was enough to make her want to do it again. "When some guy offers you 10 or 15 for a hand job, most likely you're going to do it. It's only your hand." In most cases distress is alleviated by considering the fact that numerous locals have been given already and it wasn't "that bad," combined with the financial reward. Nearly every masseuse returns to work the next day; the owners estimated over 90 per cent., while the masseuses in the sample estimated over 80 per cent. of these engaged subsequently.

The socialisation process is rapid. The masseuse has but a few moments to decide whether or not to give her first local, and then gives others before returning home. That night she has the time to weigh the implications of what she has done with the advantages of returning to work the next day. "I went back to work the following day because I got over the shock of giving locals and it was the best paying job I could find at the time."

One former masseuse went through the contemplation period and rationalised returning to work, but the effects of the rationalisation did not last long. "I lasted three days at my first place, leaving there at night just totally mind-blown. I couldn't even think about giving a man a local because to me it was a personal sexual involvement which I just couldn't do for money."

Other masseuses who continued in the occupation rationalised, in many forms, the occupational requirement of locals. "In your mind you can rationalise this by knowing that it is the perfect climax to a good massage . . . After all you don't want him to go out and rape the first girl he sees simply because he wasn't satisfied. So actually you are doing society a favour by pleasing him."

According to the four owners, over 90 per cent. of the novices returned to work after contemplating the occupational requirements. This made it difficult to find those who "opted out" to include in the sample.

Survival of the girl during the contemplation period is not surprising considering that she committed a series of transgressive acts under conditions of complete free will. She could have said "no," but she opted to commit the act (the local). Theories of attitudinal change, like cognitive dissonance, would suggest changes in her attitude in the direction of being more favourable towards administering locals (Festinger, 1957).

The Label

It has already been noted that early applicants into the masseuse profession believed the occupational requirements to be similar to those of a physical therapist. The newspaper advertisements used to attract applicants and the initial interview with the employer supported that assumption. Once the masseuse started to give locals and learned to rationalise them, she was easily absorbed into the profession. For a year there were parlours opening, all of which had masseuses giving locals as a standard service. The masseuses interviewed reported that prior to the onset of unfavourable publicity they were never ashamed to reveal their occupation to outsiders.

Before the newspapers caught wind of the illicit sexual activities conducted in the parlours, the public likened the status of a masseuse to that of a physical therapist or health spa employee. This status quickly diminished, however, once a series of front page headlines appeared in the daily newspapers was over a month. A sample of these headlines included: "Illicit Sex in the Parlours." These articles aroused public outrage. The city council held a special meeting two weeks after the first series of articles in order to try to close these parlours. The newspapers reported extensively on these hearings and when an ordinance was drawn up an article appeared on the front pages on the day of the meeting: "City Council Prepares to Give Parlors a Rubdown."

Scores of outraged citizens appeared at the council meeting to support the new ordinance, which was subsequently approved requiring the masseuse to be licensed. The licensing process included: police "mug shots," fingerprints, an interview with the vice squad chief, a medical examination limited in scope to detection of venereal disease (blood test and smear). This licensing was put into effect for *all* masseuses. When a masseuse applies for licensing, she is generally treated by those officials as a prostitute. "They made me feel like a whore while trying to get licensed. The medical check-up doesn't do any good. They don't care if I have infectious sores on my hands or TB. They simply want to be sure that I won't give VD to my customers. Now what does that imply?"

The ordinance did not curtail the expansion of the parlour industry in this jurisdiction where the number of parlours had increased from six to 22. Those masseuses who were employed at the time met the licensing requirements, despite the prostitute connotation, in order to keep their jobs. The owners felt pressured into seeking prospective employees who would not mind the implications of being treated as prostitutes. All the owners filled vacancies by running advertisements in the underground newspapers. These attracted unemployed and unsuccessful prostitutes into

the massage business. One typically read: "Masseuse wanted—lucrative massage parlor is accepting applications. Must be liberated, attractive and willing to make large sums of money." Sexual activities increased owing to the new flow of "loose" employees. The customers responded favourably to this ordinance since the city checked for venereal diseases, and this made parlours more desirable than brothels or topless clubs. Q: Why did you give up picking up chicks at bars and go to the parlours? A customer: "I got social diseases (VD) a couple of times. You can never know how clean she'll be. Parlour chicks are checked out for that (VD tests) which makes me feel safer."

With the increase of sex and customers, the police conducted a series of raids on parlours. The first two days of raids yielded 18 masseuses and managers from eight parlours. By the end of the year, 32 masseuses had been arrested. Charges included prostitution, soliciting for lewd acts and resisting arrest. The newspapers carried front page headlines concerning these arrests. This confirmed the prostitute label of the masseuse to the public.

The new publicity wave caused a change in the types of customers frequenting parlours. The advertised prostitution brought in sadists, voyeurs, masochists and other sexual deviants requesting services. Ambitious owners realised the potential for big profits in meeting those requests. Underground newspapers carried advertisements for new types of massages including "dominant" and Greek. A dominant massage is concisely: "Basically they want to be treated like a piece of shit." "A dude came in with a dog collar and I had to put it around his neck and lead him around the room. I even kicked him for being a bad dog; he got a charge out of that." The advertisements increased in scope to include all other forms of sexual activity and at present they occupy 15 full pages in one popular underground paper every week. Examples are: "MEN, I want YOU for my DOMINANT MASSAGE" (illustrated with a topless woman holding a whip); "Dominant Massage with Two Girls" (illustrated with a man bound in chains).

With the change in customers came a change in prices. The earning capacity of masseuses increased while their public image decreased. Dominant massages, like those above, cost twice as much as regular massages, and the customers normally tip well. Besides the increase in earning capacity, the occupational stress increased as well. Having to deal with those "weirdos", as one described them, is demeaning. This could be described by older masseuses as a unanimous professional reaction towards the decline in the quality of customers serviced.

Most customers before this wave of publicity could be described as "An ordinary schmuck. Joe businessman, suit and tie, average-looking man." The publicity had two effects on the type of customers serviced: there was an increase in "weirdos", and the attitude to the girls began to resemble that adopted towards a prostitute. This view was unanimously expressed by owners and masseuses, ". . . or, we get dudes who rap about their personal relationships, homosexual tendencies, or their sexual hang-ups."

I guess they figure they're never going to see us again. . . .” (The advantage of discreetly making customers talk). More and more customers come in looking for therapy, which further bothers masseuses. A man in need of therapy is like a “sniffing baby”, which makes her lose respect for him. The masseuse would rather massage a man and expects him to talk during the session. Increasing numbers of customers come in paying just to talk about personal problems. The masseuses unanimously have a very low opinion of society. In their perspective they see customers of this type as products of a sick society.

Another indication of the relationship becoming more analogous to that of a prostitute and her john was an increase in “grabby customers”. This is the type of customer who pays his fee, enters the private room and behaves as if he has paid for usage of the masseuse’s body for the entire hour. “I had one guy who paid for a massage lesson (where he gets to massage her after she massages him). He didn’t even wait for his chance to start massaging me when he reached for my snatch. I got mad and grabbed his finger, pulling it back until it hurt. Then I threw him out into the street and told him not to come back with that kind of attitude.” The prostitute label is reinforced by other customers too. There are many who come into a parlour and act as though getting a regular massage is a very illegal act. Every masseuse in the sample had customers regularly who acted that way. “He asked me, ‘Are you married?’ and I said yes, and that really stunned him. ‘Why, your husband would let you work here?’ Let you, that phrase, allows you! I happen to know that my husband is proud of what I’m doing. What I do here is no threat to him.”

This increase of “hooker type” masseuses into the occupation only reinforces the stereotype which is despised by the older masseuses. “We had to show up at the police station at 8 a.m. for licensing. It was cold and Sue and I were dressed in ski sweaters and pants. I couldn’t believe those chicks from They were wearing high heels and mini-skirts up to their arses. We didn’t even want to be seen with them, for God’s sake.”

To summarise, the re-labelling from physical therapist to prostitute was facilitated by two events: newspaper publicity and licensing laws. The media influenced the general public into believing that masseuses were prostitutes. The city council reacted to mounting pressure by establishing licensing procedures which appeared to have implications of prostitution: police fingerprinting, “mug shots”, VD check-ups, and a lecture from the vice squad chief. Owners began recruiting “hookers”, which increased the sexual activities. The police responded with arrests which brought on more publicity about prostitution within the parlours. The publicity attracted more sexual deviants as customers. Owners saw profit in this and began advertising in underground papers to service their requests. The dominant massage was invented to service such requests and spread among many parlours. “Weirdos” became increasingly attracted to the parlours. Older masseuses began reacting negatively to this. The customers began to reinforce the prostitute label by treating them as therapist, deviants and sexual objects. Hooker-type masseuses also reinforced this label.

Neutralisation Process

The next question is: "How do they react to this attached prostitute label?" Five masseuses feel that they must hide their identity from those outside the massage business. The way "outsiders" react to their prostitute label threatens to close them off from the rest of society. To avoid these kinds of "hassles" the masseuse prefers to hide her real identity. The graduate students use an alias when working in the parlours and interact with the other masseuses only when business demands it.

If asked, some of the undergraduate students let other students know of their occupation for they feel that students are more accepting. These masseuses look on their job as temporary, until they can be relieved of a financial crisis such as getting through school or when the husband is able to get back on his feet. They can see a near future of entering another, more legitimate, occupation. To have their whole world wrapped up in massage would only make them dependent upon it and that would make them remain in this occupation. "I'm living like a schizoid until I can get a better job. It's only temporary; it's going to happen. If I make this life my world like some masseuses I'll never get out."

The other masseuses rely upon the "masseuse clique groups" to serve as their society, a circle of friends to base their social lives around. I found two major types of masseuse clique groups, which are correlated with the amount of sexual activity: the "hooker-type" masseuse groups (three post-publicity) and the "sisterhood" masseuses who engage in relatively little sex apart from locals. These clique groups are so tight that they cannot trust individuals outside the occupation and thus find it difficult to communicate. I spoke with a room-mate of one masseuse. "I find her very quiet, except when it comes to her job. She would never trust me enough to talk about what she does, but only likes to talk about customers' funny occurrences and arrests. It's her whole world!"

I believe that these clique groups reinforce the concept of stigma. The process relates closely to Goffman's "stigma management", where the masseuse must manage her life under the prostitute stigma. She seeks out others with the same stigma (who understand her predicament) and learns the tricks of the trade from these experts. She also learns techniques of how to pass as normal to outsiders (Goffman, 1963, p. 30). For example, in one of the clique groups there is an understanding with the owner that any of the women can use his other business as a reference (she can claim to be a secretary there.)

Opinions of Self and Society

All masseuses interviewed had a contemptuous opinion of society. "This society likes to pit chicks against each other." "That really relates to how men in this society are frustrated with their daily routines, tired of their old wives, searching for escapes from the cold, dog-eat-dog world."

Self-opinions among masseuses towards their status in society and among colleagues differ sharply. The hooker-type masseuses feel that they hold a higher status than an ordinary street-walker or call-girl. "When I was out

hustling I had to look for my john. In this business it's like I have my own office, he comes to see me and if I'm busy he makes an appointment to see me!" The fact that she waits for customers to come to her, has a plush "office," makes more money than a street-walker or a call-girl, and is in a licensed profession makes her aware of this higher status.

The "dual world" masseuses develop a derogatory self-image. The prostitute label is not one which they enjoy. They do not like having to live in a dual world. "The prostitute image really bothers me. Everywhere I go someone asks what I do. 'A masseuse, eh? Hah, Hah!' I don't like to be looked down on by people everywhere I go. It makes me look in the mirror and feel awful—a prostitute!" The stigma extends towards their husbands too. I asked a husband what he tells people who ask what his wife does. "I don't tell them. They would think that my wife is a whore working at a place like that. I'd be a laughing stock. She doesn't tell nobody either, since she don't like to be treated like a hooker."

The only exception of a straight masseuse developing such a self-opinion was found in one parlour where the masseuses operate as a sisterhood. This sisterhood is a clique group in itself where all masseuses treat each other as equals. They hold group rap sessions, schedule their own working hours, make approximately the same amount of money each week, and mentally support each other through their occupation. "It's really good to be a sensual person, giving other people pleasure, but you can turn that against yourself, if you have secret guilts and doubts. Most of the girls I see working at other parlours are not proud of their work; that's because they accept the way other people look at them. . . . They see themselves as degraded; once you have someone thinking that they are demeaning themselves, you can do anything you want with them. That's why nobody can do anything to us, because we are proud of what we do."

All of the hooker masseuses admitted engaging in a variety of sexual activities with customers. Three out of five dual world masseuses admitted engaging in intercourse with some of the customers for "tips." All the sisterhood masseuses admitted giving occasional locals for select clientèle they liked, but denied having engaged in any other sexual activities. One of the hooker masseuses had previously worked at the sisterhood parlour and was fired for having given fellatio to a customer, which gives support to their claim.

Being labelled a deviant forced some pre-publicity masseuses into a dual world. The dual world masseuses will be neither reinforced nor discouraged from remaining within their occupation until they can get a better one in the foreseeable future. Society may intend that the labelling process should discourage the deviant, but it is noteworthy that over 90 per cent. of all the masseuses known to the owners and masseuses in the sample before the labelling began are still employed. Rather, labelling forces the dual world masseuses to rationalise what they do because they recognise that society condemns their occupation (the only exception to this was the sisterhood). I found three major areas of rationalisation: denial of any real injury, condemnation of the condemners, and an appeal to higher authority.

These are included within Sykes and Matza's five major techniques of neutralisation (1957, pp. 667-669). Denial of injury implies that nobody is really hurt by the deviant action. "Who are we hurting? We don't have obnoxious signs out in front, no barkers dragging unwilling citizens inside. Everyone who comes in to ask for our services does so of their own free will and that includes the police who come in to bust us."

Condemning the condemners suggests that those who create and enforce the law are hypocritical. Masseuses attack society and the motives and behaviour of law-enforcers as being hypocritical. This alleviates any feeling of wrongdoing that the masseuse may have. "They say we are in the wrong. What about all those police officers who get ten blow-jobs before finally deciding to bust the masseuse. Those judges who are gods on the bench, they frequent parlours on their off hours too." An appeal to higher authority simply places society's values lower than their own values. Society's norms are not rejected, but regarded as second-hand. "So what if 'society' says that locals are wrong! I happen to think differently from the rest of them. I don't believe that massaging a man's cock is evil, simple as that."

The sisterhood developed a higher self-identity than the dual world by not having to rationalise their occupational role. They re-defined what massage is and saw their role as good rather than deviant. Q: "Do most of your customers have a problem of some kind?" A: "Many are going through a transition of some kind. Maybe they just moved here or they're going through a divorce or something. They come back less and less as their heads start getting back together. We provide a place where they can come in and open up and start relating to people again, without having to take a chance."

Conclusion

This study has shown how the labelling process helped to increase the popularity of massage parlours and the varieties of deviant activities offered. The interaction between discovery of deviant activities, laws to curtail them, media publicity and reactions by parlour owners reinforced the deviance in general. Parlours with sexual activities, sexy advertisements, hookers as masseuses and dominant massages are increasing nationwide.

Since so many proponents of the labelling approach found that the interactions between deviants and social control agencies only reinforced the deviance, some believed it to be part of the theory (Foster *et al.*, 1972). The use of the labelling approach in this study reveals that every pre-publicity masseuse was rapidly socialised into an occupation labelled legitimate at the time. They had become committed professional masseuses before any word of deviant activities reached the public. Three of them actually engaged in prostitution and became the only group of prostitutes studied who were naïve concerning the popularity of occupational sexual activities at the beginning. The result of this re-labelling was not one of discouragement for the sample. Those dual world masseuses admittedly engaged in prostitution could be said to have been reinforced by the labelling. The post-publicity masseuses could also be said to have been reinforced.

Yet the remaining dual world masseuses partially accepted society's label, rationalised their occupation, but were not deviantly reinforced. The sisterhood masseuses re-defined what their occupation meant for themselves rather than accepting society's label, thus adopting counter-cultural values.

A contribution this study can make to the labelling approach to deviance is that, while in general it may lead to secondary deviation, it does not mean that the deviants themselves need to be either reinforced or discouraged. There are methods available by which individuals hide their stigma or redefine the label for themselves. The labelling process in the area of sexual deviance reinforces it through the publicity it attracts due to the many sexual double standards in American society today. On the one hand society is puritanical, on the other parlours increase in number and provide a community service by discreetly offering the forbidden pleasures of sex.

The pre-publicity masseuses constitute the only group of deviants studied who became individually committed due to rapid socialisation and absence of a deviant label. Further research comparing them with post-publicity masseuses might make a valuable contribution to general theories on deviance.

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RELEASED OAK RIDGE PATIENTS: A FOLLOW-UP STUDY OF REVIEW BOARD DISCHARGES

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"OAK RIDGE" is a 298-bed, maximum security division of the Mental Health Centre in Penetanguishene, Ontario. It admits male patients from regional psychiatric hospitals and retardation facilities who are severe management problems, as well as mentally ill persons from jails and provincial or federal correctional institutions. Persons who are found unfit to stand trial or not guilty by reason of insanity are also often sent to Oak Ridge. Most of the men housed at Oak Ridge have been or are considered to be more dangerous than those housed in regional psychiatric hospitals. The population has been described in detail by McKnight, Mohr and Swadron (1962).

Most patients are released from Oak Ridge to other institutions and not returned directly to "the street." However, patients discharged by the Central Ontario Regional Board of Review constitute an important exception to this policy. Review boards were established by the provincial government in 1967 and given authority to order the release of any patient who was hospitalised but did not suffer "from mental disorder of a nature or degree so as to require hospitalisation in the interests of his own safety or the safety of others" (Statutes of Ontario, Chapter 51, Mental Health Act 1967). From the time the review board was established in 1967 until May 15, 1971, it ordered 91 Oak Ridge patients to be discharged. More than 70 per cent. of these patients were discharged to the community and most of the remainder were sent to correctional institutions. This fact assumes some importance when it is noted that Tong and Mackay (1959) found that mild or borderline retarded patients discharged from special (maximum security) hospitals had a much better chance of success if not discharged directly to the community. It is, however, quite possible that their conclusion does not apply to this specially selected group of review board discharges.

The subsequent dangerousness of these patients is of special interest for several reasons. First, no formalised follow-up of any group of Oak Ridge patients has been completed to date and the recidivism rates are unknown. Secondly, the patients discharged by the review board were especially difficult to assess for possible release. The Oak Ridge staff and the board at least implicitly disagreed about the disposition of these cases since the Oak Ridge staff did not themselves discharge the patients in question. Thirdly, because

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the large majority of patients were discharged directly to the community, their post-release "dangerousness" is relatively easy to assess: they were either convicted of a crime or returned to Oak Ridge or they were not. Patients could be, and were, returned to Oak Ridge from correctional institutions because of psychiatric disorder.

The purpose of the present investigation is to determine (a) the success and failure rates of this group of Oak Ridge discharges and (b) the pre-discharge characteristics that statistically differentiate the successes from the failures and, more importantly, those characteristics which separate the violent from the non-violent ex-patients. It is hoped that the achievement of these objectives will contribute to the understanding of human violence as well as helping both the review board and Oak Ridge staff in future decision-making.

Method

Each of the 91 patients released from Oak Ridge by the Central Ontario Regional Board of Review before May 15, 1971, was included in the study. Information regarding the pre-release characteristics of these patients was taken from the clinical files and recorded on a file data form (available from the authors). Post-release data were obtained from the hospital files of re-admitted patients and from R.C.M.P. records of criminal convictions. The number of patients who were admitted to regional or community hospitals was recorded but considered separately from the other post-release data. The follow-up period ended on May 15, 1972.

The length of the follow-up period varied for different discharges between one and four years. Patients were divided into outcome or criterion groups on the basis of their behaviour during the entire (variable) follow-up period. The disadvantages of an unequal follow-up time for different patients are less than those which accompany the use of a short constant follow-up time. The most serious difficulty with the latter procedure is that patients who commit a serious crime shortly after the end of the follow-up period are counted as successes and their characteristics are used to predict "success" for other patients. A constant one-year follow-up time was employed, however, to determine a failure rate which could be compared with that of other studies.

The post-release data were considered in two ways. First, patients were assigned to success and failure groups according to their behaviour during the entire follow-up period. Failures were defined as patients with a post-release conviction or re-admission for treatment to Oak Ridge. Patients admitted to community mental hospitals after release from Oak Ridge were not considered as failures. It should be emphasised that "failure" used in this sense refers neither to failures of treatment nor failures of judgment on the part of the hospital or review board. The investigation of failures of treatment or judgment require different sorts of data from those presented here. Patients were also divided according to whether they were known to have committed a violent crime against persons (which included threatening, assault, robbery with violence, armed robbery, forcible rape and kidnapping, but not possession of a weapon) and those who were not known to have

committed crimes of this nature. Patients were considered to have committed a crime if they were convicted or sent to Oak Ridge because of it.

The data were submitted to a predictive attribute analysis (Grygier, 1964; Wilkins, 1964). In this type of analysis, the variable which divides the two criterion groups with the largest chi-square is used to form two sub-groups. This procedure is repeated for each sub-group until there are no variables left on which to contrast the criterion sub-groups, no significant chi-squares or insufficient subjects in the sub-group for analysis. Predictive attribute analysis allows the discovery of variables which may be potent predictors of success for particular sub-groups of patients but insignificant when applied to the total sample. Analyses were performed on the success *versus* failure and the violent *versus* non-violent dichotomies.

Results

General characteristics of review board discharges

The 91 patients released by the review board constituted approximately 9 per cent. of the total number of discharges (including patients remanded by the courts for observation) from Oak Ridge in the same time period. About 18 per cent. of the patient applications for discharge resulted in discharge. This figure is difficult to interpret, however, since some patients applied more than once. The released patients averaged 32 (S.D.=11) years of age on discharge and had spent a mean of 2.2 (S.D.=2.7) years in Oak Ridge. They had previously been in correctional, psychiatric, or retardation facilities an average of 3.4 years not including the present hospitalisation.

Outcome

As shown in Table 1, 16 per cent. of the review board releases committed violent acts against persons, 22 per cent. committed other sorts of crimes and 15 per cent. were re-admitted to Oak Ridge during the total follow-up period. In total, 38 per cent. of the patients failed. The failure rate based only on the first post-release year for each patient was 23 per cent.

TABLE 1
Percentage of patients in each outcome category

Category	N	%
Violent re-admitted	8	8.8
Violent not re-admitted	7	7.7
Total violent failure	15	16.5
Non-violent failure re-admitted	6	6.6
Non-violent failure not re-admitted	14	15.4
Total non-violent failure	20	22.0
Total failure	35	38.5
Total success	56	61.5
Total patients	91	100.0

As mentioned previously, those patients released by the review board who were subsequently re-admitted to community psychiatric hospitals were not considered failures as that term is defined in this article. Of the 91 discharged patients 32 per cent. were re-admitted into other facilities.

Characteristics of patients related to outcome

Table 2 shows the pre-discharge characteristics in relation to the outcome at follow-up. Two variables were significantly related to the probability of failure and both were diagnostic categories. Patients were considered to bear

TABLE 2
*Percentage of patients in each post-discharge grouping that possessed each pre-discharge characteristic**

	Pre-Discharge Characteristic	% of violent patients	% of non- violent patients	χ^2	% of failed patients	% of successful patients	χ^2
1	Above age 30 when discharged	33	47	NS	31	52	$p < 0.10$
2	More than grade 8	13	38†	$p < 0.10$	29	38	NS
3	Skilled, professional, or clerical workers	7*	10§	NS	9**	10†	NS
4	More than 10 years in Canada	100	93*	NS	100*	91‡	NS
5	Lived with both parents to age 16	33	59†	$p < 0.10$	42**	62*	NS
6	Never married	47	65*	NS	65*	61	NS
7	Alcohol problem	53	32††	NS	32*	38†	NS
8	Previous violent crime against persons	93	54	$p < 0.01$	66	57	NS
9	Personality disorder	60	45*	NS	69	34*	$p < 0.01$
10	Psychotic disorder	27	45*	NS	26	53*	$p < 0.05$
11	Paranoid disorder	27	28*	NS	17	35*	$p < 0.10$
12	Time in corrections	40	61	NS	66	52	NS
13	Previously in a psychia- tric hospital	87	83	NS	77	87	NS
14	Institutionalised more than five years	47	38	NS	37	41	NS
15	In Oak Ridge more than one year	40	47	NS	34	54	$p < 0.10$

*The N's for the violent, non-violent, failed and successful patients are respectively 15, 76, 35 and 56 except where observations are missing.

*=1, **=2, †=3, ††=4, ‡=5, §=6 observations missing.

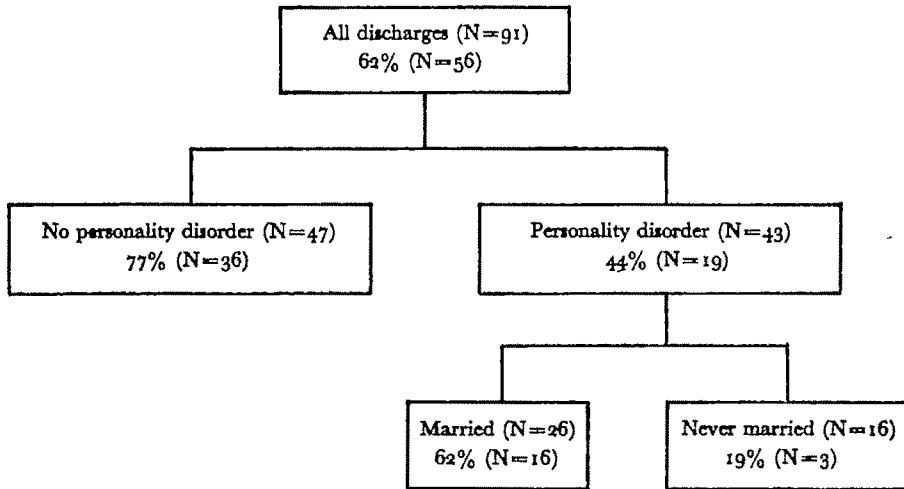
a particular diagnostic label if it was mentioned as a primary or secondary diagnosis. Patients who were diagnosed as suffering from a personality or character disorder were more likely to fail than those who were not. Psychotics were less likely to fail than non-psychotics. The predictive attribute analysis illustrated in Table 3 showed that, among patients with personality or character disorders, those who were, or who had been, married (including common law) were less likely to fail than those who were not ($p < 0.01$).

Only one variable significantly differentiated patients who were violent upon release from those who were not. Violent patients were more likely to be those who were violent before coming to Oak Ridge. The predictive attribute analysis did not break the data down any further.

Patients whose failure included a return for treatment to Oak Ridge were similar to those who failed but were not re-admitted.

TABLE 3

Hierarchical structure of attributes predicting success for 91 review board discharges from Oak Ridge (% successful)



Discussion

Re-admission and failure rates

The 15 per cent. re-admission rate for the current sample is similar to that found among patients discharged from British special hospitals; Gathercole *et al.* (1968) found a 19 per cent. return rate, and Tong and Mackay (1959) found a 14 per cent. return rate. This similarity was obtained despite the somewhat longer follow-up in the British studies and their method of selecting for study consecutive discharges rather than review board discharges.

A striking difference between the samples was the much longer time patients were housed in maximum security in Britain. Gathercole *et al.* found that their discharged patients had been kept for 6.4 years and Tong and Mackay's sample averaged 10.5 years in maximum security. In contrast, the Oak Ridge review board discharges were kept for only 2.2 years. In view of the differences in sample selection, it is difficult to interpret this finding but it may lend support to Tong and Mackay's assertion that long stays are associated with successful outcome. If that were true, the Oak Ridge discharges would be expected to have a higher probability of failure because of their short "training period". To some extent this was true; the two British studies found a failure rate of about 25 per cent., whereas the failure rate in the present study was approximately 38 per cent. Because of the many differences between the studies, this comparison is far from conclusive. It is, however, supported by a trend ($p < 0.10$) in the present data for both increasing age and length of time in Oak Ridge to be associated with success. Steadman and Keveles (1972) have found that younger patients released from maximum security hospitals in New York State were also more likely to be institutionalised at follow-up than older patients.

The failure rate found among the Oak Ridge review board discharges was

also higher than that found by Morrow and Peterson (1966) in the United States for discharged patients judged not guilty by reason of insanity or "criminal sexual psychopaths". It was not reported how long these patients were kept before discharge. Hodges (1971) reported criminal recidivism data for patients discharged from a Maryland security hospital by the courts against the hospital's advice. The recidivism rate was 71 per cent. This very high recidivism rate is difficult to interpret, however, since no description of the patients was presented.

Greenland (1970) has reported data on a number of small N studies of review tribunal discharges in England. These studies report failure rates (variously defined) of from 20 to 60 per cent. Although fragmentary, these data indicate that review board discharges have a higher failure rate than hospital discharges in general, as would be expected.

Pre-discharge characteristics and outcome

Few serious crimes against persons were committed by these 91 discharged patients. Most of the crimes were economic offences and were dealt with through the correctional rather than the psychiatric system. The majority of the patients who failed in this manner were diagnosed as personality disorders. Perhaps the judgment by the hospital that a patient is a personality disorder and his subsequent release by the review board implies that he resembles persons handled by correctional rather than psychiatric facilities. The personality disorders were, in fact, more likely to fail than to succeed. More specifically, 69 per cent of the failures and 34 per cent. of the successes had personality disorders. Psychotic patients were less likely to fail than the personality disordered patients. Only 26 per cent. of the failures were psychotics.

Psychiatric diagnoses have been found to predict outcome in other studies. For example, in the correctional literature, Ganzer and Sarason (1973) determined that juvenile delinquents diagnosed as sociopathic were more likely to recidivate than delinquents bearing other diagnoses. In another study (Steadman and Keveles, 1966) no relation between diagnosis and outcome was observed among patients released from maximum security hospitals in New York State. On the basis of the present data, however, no relationship would be expected in this study since 94 per cent. of the New York patients were diagnosed as psychotic.

The apparent relationship between outcome and diagnosis may indicate that patients bearing different diagnoses will respond differently to different programmes. If different diagnoses could be shown to imply different expectations of success in particular programmes, the task of hospital administrators in assigning patients to programmes would be greatly facilitated.

The results of this research indicate that patients released from Oak Ridge by the review board have so far done reasonably well as a group in the sense that most of them have not committed serious crimes against persons. We do not know, however, how these patients have adjusted to the community. More importantly, we do not know how these patients have adjusted in comparison to other groups of Oak Ridge discharges. Questions also arise con-

cerning the effects of psychiatric diagnoses. These data demonstrate that psychiatric diagnoses can be significantly related to post-release adjustment. It is, however, unclear what role these diagnoses play in review board decisions relating to patient release. More research is necessary to answer these questions.

Summary

Criminal conviction and re-admission data were obtained on 91 patients released by the review board from Oak Ridge, the maximum security division of the Mental Health Centre, Penetanguishene, and related to the patients' pre-release characteristics. During the follow-up period, which varied among patients from one to four years, 38 per cent. of the sample were convicted of a crime, re-admitted to Oak Ridge, or both. Of the patients 15 per cent. were re-admitted and 16 per cent. committed a violent act against persons. Most of the violent patients were found to have committed violent crimes before. Patients diagnosed as personality or character disorders, particularly if they had never married, were more likely to get into trouble after release than those who were not.

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NOTES

SOCIAL WORK IN THE ENVIRONMENT

JULIET CHEETHAM

THE Home Office Research Unit deserves full marks for dogged persistence. Unlike many researchers into social work who, having demonstrated its ineffectiveness, inquire no further into why this might be so, the H.O.R.U. has attempted to examine in detail the actual work done by probation officers and to set this against the often formidable tasks before them.* And having identified many shortcomings in their work, the Unit in an action research programme (IMPACT) has investigated the possible relationship between new or intensive forms of social work intervention in the lives of probationers and their future behaviour.†

In *Social Work in the Environment*, using the same sample of male probationers aged between 17 and 21 who were the subject of an earlier H.O.R.U. study, *Probationers in Their Social Environment*, Davies and his colleagues describe the work undertaken by probation officers in connection with their clients' families, friends, employment and leisure. In short, they try to discover what impact, if any, probation officers have on the environment of those under their supervision. There were good reasons for undertaking this study. *Probationers in their Social Environment* had demonstrated that many young men under supervision had serious problems in finding or keeping jobs, that some had unsatisfactory relationships with their peers and that the fathers of nearly half the sample had "the worst possible relationship with their sons" (p. 49). These difficulties tended to be cumulative, to be associated with reconviction, and seemed to impair the relationships between probation officers and their clients. Thus Davies arrived at his depressing, and in social work circles now famous, conclusion that social workers seemed best able to help those who needed them least. What then did the probation officers do that had such little effect? To what extent did they come into contact with key figures in the probationers' social system?

Davies and his colleagues attempted to answer these questions by analysing the records of probation officers and devising a score for each item of work undertaken in connection with a probationer's environment. Further analysis of the records attempted to relate the practice of environmental work to office-based casework. Probation officers were also asked to fill in the Jesness Inventory and to give their assessment of changes which had occurred in a probationer's, circumstances during the course of the order.

The methodological and other problems of using these types of analysis are formidable and well recognised by the researchers. However, doubts about the validity of their findings would be greater had it emerged that the activities of the probation officers had significantly influenced the behaviour of those under

* Martin Davies *et al.* *Social Work in the Environment: A Study of One Aspect of Probation Practice*. Home Office Research Studies No. 21, 151 pp. H.M.S.O. 1974. £1.10.

† M. S. Folkard *et al.* *Impact: Intensive Matched Probation and After-Care Treatment*. Volume 1, The Design of the Probation Experiment and an Interim Evaluation. Home Office Research Studies No. 24, 54 pp. H.M.S.O. 1974. 59p.

their supervision. In fact this was not found to be so, and the probation officers' assessments of the little change in their probationers' circumstances appear consistent with the relatively high rate of reconviction which seemed to be largely independent of the type of social work intervention. Within these methodological limitations—and all methods of observing the activities of social workers and the behaviour of their clients present some difficulties—*Social Work in the Environment* is a thorough descriptive study, with case examples adding depth and subtlety.

The researchers found that it was probation officers' contact with their probationers' families which accounted for most of their work in the environment. Some involvement in the home occurred in nearly every case, whereas other environmental work was the exception rather than the rule. It is somewhat misleading to précis the researchers' complex analysis of probation officers' work with families, but briefly it is fair to record that to their surprise they found a striking similarity between patterns of visiting in the good and bad risk groups, with little evidence to suggest that officers greatly varied their home visiting strategies to match family problems. The variations that did exist between the groups could not be explained by any apparent levels of need at the start of the order, or by the hostility or welcome of the families, who seemed to be largely indifferent to home visits. Most commonly a visit was made on the probation officers' own initiative as part of routine contact with the home to keep himself informed of the family situation or in an effort to follow up a probationer who was failing to fulfil the conditions of the order. Even with the worst risk offenders, who remained under supervision for twelve months, visits occurred on average at only six-weekly intervals. Although in about one-fifth of cases there was regular and occasionally intensive visiting, there was little evidence of such work being an integral part of a therapeutic plan.

The authors remark that there emerges from the records a sense of confusion and ambivalence among probation officers about their role in relation to their probationers' families. The principle of contact with families seemed to be generally accepted as important but there were numerous reasons, including pressure of work, why this principle was not translated into practice. These conclusions seem entirely plausible to one who was working as a probation officer in an exactly similar way at the time this research study was undertaken. What could be added, however, in an attempt to explain this confusion, is that although it was common then for probation officers to identify within families many difficulties associated with their probationers' delinquency, there was, and indeed probably still is, a prevailing feeling of impotence about tackling, let alone solving, the often chronic and acutely complex problems so vividly illustrated in the case studies. In the 1960s the objectives and methods of family therapy were relatively unfamiliar to British social workers. Few had been trained in such techniques and there was, and is, little information about their relevance to the family situations in which probationers are commonly found. In such a context bold initiatives will tend to founder and it is tempting to avoid the insecurity of incompetence and to concentrate on more familiar, well-tried if not well-proven, methods.

Given these findings it is not surprising that in the probation officers' assessments it was rare in the course of an order for there to be much improvement in relation-

ships between parents and their sons. There was, too, only a hint that reconviction rates might be favourably influenced where the probation officer took an active part in working with the families. The authors realise that this last suggestion needs much closer analysis by means of an experimental project. And such an experiment might well be justified, given the extent of family problems which beset so many young men on probation and the fact that not even the wildest optimists among the devotees of family therapy would hope for significant changes to occur as a result of the widely spaced, largely unplanned and superficial home contacts which seemed to be such a common part of a probation officer's repertoire.

The other aspects of *Social Work in the Environment* investigated by Davies and his colleagues concerned probation officers' contacts with their probationers' girl-friends and wives, their peer group and leisure activities, their health, their employment and their material needs. In spite of the well-established links between the influence of an offender's peer group and his behaviour, and the obvious relevance of the attitude of his wife or girl-friend, the probation officer's involvement with both was almost entirely peripheral and there appeared to be many stressful situations in these relationships that they ignored.

Probation officers' activities in relation to the very small numbers of probationers with physical or mental health problems were largely dominated by difficulties of professional co-operation and the relationship between hospital and community-based health services. These difficulties were frequently compounded by a lack of clear definition in the respective roles of doctor and probation officer in treating the client. This seemed to be both the cause and the effect of their extremely limited contact with each other.

Possibly because of the relationship of work to the conditions of a probation order, probation officers were much more actively involved in the employment problems of their probationers. Work was the focus of casework interviews in over half the cases and in a third the probationer officer played a more active role, for example by contacting employers, foremen, and employment agencies. But many of these contacts were minimal and the probation officers' relations with the Youth Employment Service and the Department of Employment were usually formal and superficial. Again there seems to be some confusion in the role of the probation officer, possibly because the common commitment to non-directive casework demands that the probationer should bear major responsibility for establishing himself in employment. Additionally, probation officers may have avoided active intervention in employment problems because of the great demands this makes on the time and energy of a service which is ill equipped for such work. As several of the case studies vividly demonstrate, the results of active intervention were not encouraging and there was no evidence that reconviction rates were influenced by variations in a probation officer's work in this context. However, given the generally superficial level of probation officers' contact with the world of employment and its obvious importance for probationers, the authors conclude that in fact "it is by no means impossible that a greater impact could be achieved if cases were carefully selected for extra help and if new procedures were introduced whereby probationers were steered much more forcefully into specific work channels" (p. 52).

Because the majority of probationers were judged by their probation officers

to be in the mainstream of affluence it is not surprising to discover that only in 10 per cent. of cases did they attempt to meet in any significant way the material needs of their clients. Furthermore, the time-consuming and frequently unrewarding nature of such work seems to have effectively deterred probation officers from embarking on it with any enthusiasm. When help was given this was usually a response to persistent requests or pleadings from the client and not part of a planned programme of material aid. In particular, it proved almost impossible for probation officers to help the inadequate probationers, as they lurched from crisis to crisis, to find and settle in stable accommodation. The authors conclude that "the officer's non-directive policy appears to work where the client has an element of self-sufficiency and an ability to fend for himself; but when a more directive or active approach is used in more complex cases, this rarely meets with much success. Where the officer goes out of his way to do things for his client, the traditional caseworker's warning that he will come unstuck tends to be borne out" (p. 54). Nevertheless, in tune with contemporary concern about the relationship between social work and material welfare, the researchers believe that there is a good case for clarifying and testing under experimental conditions the probation officer's role in this context.

Although Davies and his colleagues are disarmingly frank about the limitations of a non-experimental descriptive study, their general conclusions present a worrying challenge for social work. To summarise, "environmental problems exist; they are complex; their effect seems to be cumulative; and they are statistically associated with personal inadequacy, with the casework relationship, with reconviction rates, and with a lack of improvement occurring in the course of the order . . . environmental intervention in general, as at present practised in the probation service, appears to have little effect on the presenting problems or on the client's likelihood of reconviction" (pp. 93, 95).

Is this an impossible impasse or can ways be devised to tackle the environmental problems of offenders which both improve their quality of life and reduce their rate of reconviction? The full results of the IMPACT study on the relative effectiveness of differential treatment methods for different types of offender placed on probation will go some way towards answering these questions. In the meantime Volume I describes the research design and provides an interim valuation based largely on the reactions of those probation officers participating in the experiment.

IMPACT has been designed to take account of the findings of several studies of offenders' backgrounds and reactions to different kinds of treatment and in particular of the conclusions of *Probationers in their Social Environment*, *Social Work in the Environment*, and MESPA (Matching Experiment in Sheffield Probation Area). The apparent need to intensify and diversify treatment was to be met by drastically reducing to twenty the caseloads of experimental officers and by encouraging the development of alternative methods of work with high risk offenders placed on probation who might have been eligible for prison sentences. Even if these methods are not really new, there would be a relatively greater emphasis on approaches not much used in the past. In particular there would be a concentration on practical intervention in problems of family, work and leisure, partly by using such resources as ancillary and voluntary workers and

specialist agencies. The possible effectiveness of such methods would be tested by controlled experiments in the four IMPACT areas with random allocation of cases to experimental and control groups. Attempts have been made to increase the validity and reliability of findings by using standardised methods of data, collection and personality assessment. In addition, IMPACT has been designed to test hypotheses about the possible relationship between certain types of situation and personality, for example the "extroverted" or "neurotic" and specific kinds of treatment.

In evaluating the effects of intensive situational treatment the criteria used will include reconviction rates and the type of further offence, changes in the probationer's environment and changes in psychological problems. Attempts will also be made to identify types of offender who benefit either from experimental or control conditions. But IMPACT is also concerned to see how far the probation and after-care service develops or adapts to new methods of working and some conclusions on these matters are drawn in this interim evaluation.

In general the probation service appears to have responded enthusiastically to the challenge of IMPACT. It seems as if experimental treatment does differ in emphasis from traditional methods and, as well as increased concern for accurate diagnosis, there have been many ventures into group work, leisure activities, use of ancillary and other workers, and in the development of special responsibilities and paired working. A survey of the attitudes of officers to IMPACT shows a preponderance of positive reactions, both to the organisation of the various IMPACT experiments and to the professional stimulus these have presented. It has also been said that, given time to develop liaison with such specialist agencies as the Department of Employment, these organisations prove to have much to offer. In general officers felt they had risen to the many professional and personal demands created by IMPACT. Their morale was high and they certainly thought that their casework was more effective than it had been under normal conditions.

Will these beliefs prove to be well founded? We can only speculate about the answers to this question. Nevertheless, it must be borne in mind that similar, though not identical, experiments in the United States of America and elsewhere have failed to produce any significant changes in reconviction rates, although it is sometimes claimed that, in spite of the formidable difficulties of measurement, they have produced improvements in the circumstances of offenders. It is difficult to draw exact parallels with most of these studies because the more intensive work being evaluated did not usually include attempts to intervene in the client's environment.

Perhaps greater cause for pessimism lies in the extreme complexity of the relationship between the probationer, his environment, and the social work role in relation to both which Davies discusses in *Social Work in the Environment*. He bases his argument on the work of Emery and Trist¹ who have identified four conceptual levels at which an individual may relate to his environment. They argue that environmental stresses tend to cluster together and to interact with the client's personality problems. The client may also have to act in competition

¹ Emery, F. E. and Trist, E. C. "The Causal Texture of Organisational Techniques", *Human Relations*, 18, 21-32.

with other elements in his environment and he may have to fend off their influence before being able to proceed in a desired direction. For example, a high level of crime contamination tends to negate any attempt by the probationer to overcome environmental stress. The most complex of environments, termed "a turbulent field", is a familiar one to probation officers and their clients. In such a situation not only do different elements of the environment interact with each other and the individual, but "the ground itself is in motion." "The effects of the turbulent field . . . may be exemplified best in our context by the probationer finding himself in an excessively underprivileged sector of society. The turbulent field brought about by poverty, lack of education, low social status, hunger, physical exhaustion, or racial discrimination may be quite impossible for him as an individual (or for his social worker) to handle in an effective fashion" (p. 97). Thus Davies argues that it is a gross over-simplification and a fallacious view of society to argue that it is a simple matter for the social worker to become a social engineer and so to change the environment of a client that the client's problems are spirited away. In the most complex cases, "no matter what the worker does he must remain and be seen as an intrinsic part of the turbulent field within which the client lives; a representative of alien authority perhaps; the man from 'the welfare'; a symbol of another social class, another world, an element of the society which may seem to the individual to have created the turbulent field in which he struggles" (p. 100).

A final pessimistic question must be raised. If the various strategies employed by probation officers do seem to be effective in reducing reconviction rates, how will it be possible to isolate these from "experimental effects"? Both the probation officers and their clients knew that they were the objects of attention, the recipient of special resources and, to some extent, the cradle of hopes for the future of the probation and after-care service and for the non-custodial treatment of offenders. In such a situation "Hawthorne" and other effects must be particularly strong. In addition, given the somewhat crude typologies of offenders and treatments, will it be possible to identify those methods of work which seem to be most effective in particular situations?

If these pessimistic speculations should be borne out in spite of the probation officers' enthusiasm for the experiment and their best efforts, how should we react to the cynic's criticism that "the operation was a complete success but the patient died"? We should not under-estimate the value of stimulating a somewhat conservative service to experiment with different methods of work, particularly when these seem, at a commonsense level at least, at times to be more appropriate than conventional techniques. Given the complexity of problems confronting probation officers and their clients it is almost certainly too optimistic to expect them to be immediately amenable to new or relatively untried forms of intervention. What we must know is whether it is foolish to continue to pursue these methods or whether they need further refining. The morale of social workers needs to be raised if they are to engage in such an exercise. IMPACT may well achieve both these objectives.

Nevertheless, if the various forms of intervention prove to be relatively ineffective there will certainly be much food for thought about the raising of expectations of the kind of non-custodial supervision of young offenders somewhat vaguely

envisaged in the Younger Report.² That is not of course to say that the problems could be any more effectively dealt with by other methods, for example, by incarceration in institutions. At the very least, the complexity of the problems to be tackled amongst this group of offenders and the limitations of available techniques will have been illustrated by these two studies. But should the various methods of treatment at our disposal be judged to be either undesirable, unethical or ineffective, what will be the implications for penal policy? If, in spite of all their acknowledged limitations, these two courageous studies contribute to a more honest and informed debate about such issues they will have been amply worthwhile.

SOCIAL WORK IN PRISON

ROGER HOOD

MARGARET SHAW's report* will come as a surprise and a challenge to those who firmly believe that it is impossible to devise any morally acceptable methods of treatment in penal institutions which will have a significant impact on the probability of prisoners being reconvicted. The results of this carefully designed experiment, carried out at Gartree and Ashwell, show that among a group of prisoners randomly allocated to receive more frequent and intensive aid from prison welfare officers 57 per cent. were reconvicted within two years of their release from prison as compared with 76 per cent. of a control group of men who served sentences at the same prisons. This result is all the more surprising because it was achieved through the provision of 12-15 forty-minute interviews held during the final six months of their sentence. The controls who had normal access to the welfare officers had, on average, six interviews which were more likely to be concerned with making practical arrangements than with discussing personal problems.

The report comes at an opportune time, for the Home Office recently issued a consultative document which reflected the prevailing pessimism. It warned against hopes that prison welfare officers might provide effective casework for all, claiming not only that the so-called medical model was inappropriate but that there should be more emphasis "on the need to support people during their sentence and to enable them to prepare for their return to normal society." Not surprisingly, Miss Shaw sees her results pointing in the opposite direction. She says: "it seems that a welfare department should do more than . . . simply to reduce tension and anxiety and to alleviate problems arising from imprisonment . . . by developing treatment which can affect post-release behaviour."

Given such clear implications for policy the results should be treated with great caution. While they will undoubtedly inspire welfare officers with some hope, the findings are so unusual, and on the face of it hard to understand, that certainly more investigation is required before any major decisions are reached.

Was there sufficient evidence to suggest that the provision of interviews with

² The Report of the Advisory Council of the Treatment of Offenders; *The Young Adult Offender*, H.M.S.O., 1974.

* Margaret Shaw, *Social Work in Prison: An experiment in the use of extended contact with offenders*, Home Office Research Studies No. 22. London: H.M.S.O. 1974. £1.45 net.

a social worker on a weekly basis during the last six months of the sentence could account for the result, rather than some other factors? The rates of reconviction of the experimental and control groups were almost the same for the first nine months after release and it was only after this lengthy period that they diverged, in other words that a smaller proportion of the experimental men "at risk" were reconvicted compared with the controls. Miss Shaw concludes that this was due to the treatment received: "the reconviction figures clearly suggest that the effectiveness of the treatment programme was not entirely neutralised and that welfare officers were able to initiate *lasting changes in the men*" (my italics). How or why did the social work have a differential impact so long after it had been experienced? The study attempted to answer these questions in a variety of ways. First, it explored attitudes towards welfare held by "controls" and "experimentals" and charted changes perceived by both men and social workers after experience of the intensive sessions. Second, it analysed the characteristics of those who succeeded or failed after the experiment to see which types of prisoner had benefited most. Third, it recorded what went on during the experiment to see how men may have been affected.

The interviews with men and welfare officers suggest that the experiment did lead prisoners to hold more favourable attitudes, especially at Gartree where they had initially been hostile and rejecting. The experimental group recorded a much greater concentration on discussions concerning personal problems and were more likely to say that the interviews had been of help. The senior welfare officers also claimed that over a quarter of the men had shown "considerable change." Given this, it was surprising to find that the prisoner's assessment of his relationship with the welfare officer, including the help he thought he had received, was not related to the probability of being reconvicted. Similarly, the welfare officers' assessments of change were not related to reconviction at a statistically significant level.

Miss Shaw hypothesised that some types of prisoner would respond better to the extended contact, but none of her hypotheses was proved: the "anti-authority," the "sub-cultural" and "sociopathic" offenders did not do worse than expected: or, put the other way, those better disposed to authority, the "middle-class" offenders and those without the difficulties of "heavy drinking, vagrancy, impulsive behaviour and belligerency" did not relatively do better under the experimental conditions. Those who were rated as anxious, of good intelligence and verbal ability were also not less frequently reconvicted than similar men in the control group. On the positive side, as Miss Shaw observes, this means that the treatment programme had not been effective simply "with the most able men who presented the fewest problems." One factor, however, did stand out in stark contrast. Men who were relatively introverted were significantly less likely to be reconvicted in the experimental than the control group. Indeed all 19 controls scoring below average on the Eysenck scale were reconvicted compared with only 37 per cent. of the experimental group. On the other hand, the reconviction rate of extraverts was not affected by taking part in the experiment. Miss Shaw suggests that this finding "gives some support to the conclusion that casework techniques or greater attention were significant elements in the treatment programme. It may well be that such men benefited from the opportunity to

express themselves and get to know the welfare officer, while the extraverts found no difficulty in relating to them, but required more directive treatment."

What conclusions can be drawn? Why did it work? Unfortunately there are no answers. The study failed to identify with any precision what went on between welfare officers and men, and the follow-up inquiry through the probation and after-care service provided no useful clues: the contacts made with after-care officers were not very different between experimentals and controls. Miss Shaw is, however, confident that the results were not merely due to an "experimental effect," even though she admits its influence "can never be satisfactorily answered." She suggests that not all the men realised they were in an experiment and that as normal welfare work was continuing with other prisoners, the experience of the experimentals "was neither unique nor abnormal"; that the control group would not have felt they were suffering in comparison and that the welfare officers themselves had not been able to maintain a specially high motivation and interest in the experiment throughout the 18 months it went on. All this is quite convincing, yet I remain sceptical. There is a big difference between a group of welfare officers starting a new scheme which is being carefully monitored and the general application of a technique to a wider group of men on a routine basis.

Despite these major reservations, the implications for policy to which Miss Shaw draws our attention are of considerable importance. Of course the most dramatic point arises from the contrast between the results of this experiment and similar attempts to evaluate the effectiveness of intensive supervision in a non-custodial community setting. Why was "extended contact" relatively successful in prison while it has not proved to be so in the community? This raises the question whether help of this kind is more likely to be effective, at least for some men, in prison or in other "controlled" environments "such as hostels and group and community settings". She notes that "the welfare officers felt that the prison brought several advantages to the casework situation. They knew more about the daily lives and reactions of the men, and in some cases, about their home situation and relationships than would a probation officer working outside. . . . Thus, the prison setting coupled with the heightened anxiety of the men at time of crisis, gave valuable opportunities for working with them." If this is correct it is a direct challenge to current assumptions about the futility of custody as a means of providing "treatment" that will reduce the probability of reconviction.

In relation to the question of the policy to be followed in the employment of welfare officers Miss Shaw, rather surprisingly, does not recommend more of them with more time to extend their intensive contacts with men. Rather, she seems to suggest that more could be gained by extending the opportunities for discipline officers and instructors to take part in the interviews. It is true that she found prisoners had more day-to-day knowledge of these men and indeed that they tended to rate the instructors as those they most liked, but it is also important to remember that the majority of prisoners said they would not wish to discuss personal problems with prison staff and chose the welfare officer precisely because they saw him as an outsider who could be trusted with confidences. Even so, it is hard to quarrel with her conclusion that further investigation and experiment should involve "not only welfare staff, but other prison staff, after-care officers and the prisoners themselves."

Last, does the study have any implications for discussions about the value of indeterminate sentencing and parole? In general the answer must be no. The group selected for the experiment had been selected neither for parole (which was in its infancy at the time) nor the hostel scheme, and of course the experiment was based on making use of a specific time period leading up to a definite release date: this, Miss Shaw claimed, was an advantage "providing a goal towards which the officers could work. A recent study of casework has shown that planned intensive treatment over a short period of time can be more effective than a treatment programme of indefinite length." Furthermore, the inability of senior welfare officers to predict the probability of reconviction on the basis of their estimates of the man's response to the intensive contact would make "response to treatment" a dangerous criterion for parole decisions.

For its clarity of design, its attention to a subject of widespread concern and in its lucid presentation of material, this report is undoubtedly first-class. But the matter must not be allowed to rest here—for once the ritual call at the end of the report for further research is not only justified but absolutely essential.

VAGRANCY AND STREET OFFENCES

MARY McINTOSH

A HOME OFFICE Working Party was set up in 1971 to review the law relating to vagrancy and street offences. It included senior police officers, representatives of the Department of Health and Social Security and of the Director of Public Prosecutions' Department, as well as Home Office officials. So far it has consulted chief officers of police, members of the probation service and a few other bodies and individuals. This Working Paper* represents its main effort at wider consultation: it contains a review and discussion of the present rather messy state of the law that is used in relation to these kinds of behaviour and some provisional recommendations for changes in some of the laws. The primary interest was in the vagrancy laws, but laws dealing with street offences by prostitutes were considered as well, partly because the laws themselves overlap to some extent and partly, presumably, because many of them relate to behaviour in public where the problem of "causing a nuisance" is a salient one.

Vagrancy Laws

The Vagrancy Act of 1824 is the basis of most of the present provisions about vagrancy. It enunciates rules for categorising people according to a hierarchy—"idle and disorderly persons", "rogues and vagabonds", and "incorrigible rogues"—and specifies maximum sentences and fines for each category. These categories have come, over the years, to be used for an absurdly wide range of behaviour, extending far beyond "vagrancy" in its everyday sense, which makes this very much a rag-bag of a report. The main aim of the Working Party is to

* Working Paper. Home Office Working Party on Vagrancy and Street Offences. (H.M.S.O. December 1974. viii+134 pp. £1.22.)

replace this categorising approach, which is "outmoded", by provision for a series of specific separate offences, each with its own appropriate penalty. Sometimes this means that they need to reinsert into the offence the concept of "persistence" (in begging) or "antecedent conduct" (in being a suspected person), to avoid penalising the respectable. On the whole, though, they have tried in their recommendations to use the idea of a type of behaviour rather than of a type of person, though "hippy vagrants" and "dirty, unkempt and aggressive beggars" do figure in their discussion.

They consider these kinds of behaviour under 10 main headings: sleeping rough, begging, fortune telling, peddling, indecent and obscene displays in public places, indecent exposure, being found on enclosed premises, being a suspected person, being armed with an offensive weapon, escaping from a place of legal confinement. They recommend that pretending to tell fortunes should no longer be an offence at all and that certain other activities (pedlars operating without licences, being armed with an offensive weapon, having escaped from legal confinement) can be adequately dealt with under other existing legislation or under common law. They also recommend that the powers to search the property of people convicted under the Vagrancy Acts should not be re-enacted in relation to specific new offences, but that the power for a constable to make an arrest without warrant should be retained.

Their position on sleeping rough is that "vagrancy is fundamentally a social rather than a criminal problem". Nor do they accept the view that the criminal sanction can be useful in inducing vagrants to go to reception centres. Indeed they remark that with a decreasing amount of free accommodation and an increasing number of homeless people this is hardly possible. But they argue that "all that the criminal law can do is to offer some protection to the public against the more offensive consequences of vagrant behaviour"—from vermin and other health problems and from spoiling amenities for others.

So they conclude that "there should not be a criminal law against sleeping out as such" but that there should be a new offence of "lodging, in such circumstances as to cause a nuisance in a public place, or without the consent of the owner or occupier on private land" (with an explicit exclusion of "squatting"), combined with a specific provision comparable to that in the Vagrancy Act 1935 about "causing or appearing likely to cause damage to property, infection with vermin or other offensive consequence." This, they consider, would shift the essential ingredient from the sleeping rough itself to the actual or potential consequences.

It is hard to see that this proposal would be very different from the existing laws in its effects, especially as they argue that the protection of the public can be achieved "even if prosecutions are rare, since the existence of an offence enables a constable to persuade a vagrant to move on to a place where his presence will not be a nuisance". Constables will still have a great deal of discretion, being able to act in many cases where they would not bring a prosecution; they will still be able to harass vagrants.

The Working Party recognise that begging is at present much less common than it was in 1824 or when various other related statutes were enacted, but argue that there is a need to retain a begging offence, "to protect ordinary citizens against unreasonable nuisance and affront", which might increase if

there were no offence. The offence they propose, however, involves proof of "persistence" rather than of nuisance, since they consider that nuisance would be difficult to demonstrate, while "persistence" would catch the professional beggar, though "no doubt the police would . . . not consider taking action in circumstances where the beggar was not causing any annoyance or inconvenience."

For the two offences that should more properly have come under the Theft Act, if anywhere at all (being found on enclosed premises and being a suspected person), the Working Party propose new but similar offences. The burden still lies very much with the defendants to prove their innocence rather than with the prosecution to prove guilt.

The issues relating to indecent displays and indecent exposure at present dealt with under the Vagrancy Acts are complicated by the fact that common law and a number of more recent statutes and bills are concerned with similar behaviour and that a number of these were considered by the Law Commission in a Working Paper (No. 57) published at the same time as this one. The Home Office Working Party follow the general line of the lapsed Cinematograph and Indecent Displays Bill of 1973. They argue that the existing offences are unsatisfactory: "It is right that members of the public should be protected from what may be forced visually upon their unwilling attention" but "we are not suggesting any further restriction on what the individual may choose to see." They would thus leave to the law on obscenity the question of displays in places where people volunteer to go, as for instance by paying for entrance. The one exception that they make is that they would like to see a new explicit offence of installing peepshows in public places to show indecent material, despite the fact that people volunteer to see them by putting in a coin. They also want power for the police to seize and forfeit material in relation to these new offences, powers which would presumably be as wide and as open to abuse as the existing ones.

Finally, they want a new offence of indecent exposure by males, substantially like the older ones, but more modern in terminology. It would have a maximum penalty of £100 fine and/or three months' imprisonment, so that a comparable number of men (73 out of 2,748 found guilty in 1972) would presumably be sent to gaol for this offence.

Street Offences

The Working Paper reviews the operation of the Street Offences Act 1959 and concludes that it has achieved its main objective of reducing the amount of soliciting by prostitutes in the streets. The main criticisms of the Act have been against the use of the term "common prostitute", the failure to deal with "kerb crawling" and comparable behaviour by male customers, the failure to require evidence of nuisance from people who have been accosted by prostitutes, and the fact that the Act is sometimes used against prostitutes merely sitting at their windows. The Working Party consider that only one of these—"kerb crawling"—requires any new legislation. Their suggestion is that it should be an offence for a man persistently to accost women for sexual purposes in a public place to the annoyance of the public, though they do not offer any clear wording for this. The new offence seems very similar to the old one of a man persistently soliciting or importuning in a public place "for immoral purposes" that became section 32

of the Sexual Offences Act 1956, except that the judgment of 1966—that “immoral purposes” here did not include sexual intercourse between the accused and a woman approached—would be reversed. Doubtless it would be as little enforced as section 32 as well.

The Working Party also looked at homosexual soliciting and prostitution in public places. Here, rather inconsistently, they are happy to retain section 32, despite the fact that for “kerb crawling” they rejected it as being “of nineteenth century origin”. They wish, however, to reduce the maximum penalty from two years’ imprisonment to three months’ and/or a £100 fine. The proposals here seem to fall between those for female prostitutes and those for the male clients of male prostitutes. The Working Party rightly rejected suggestions that the offences for female prostitutes and their prospective clients should have the same formulation, on the grounds that their behaviour and purposes are so different that different methods are needed for curbing them. They do not display the same social realism in relation to homosexual street offences or offer any reason why homosexual prostitutes should not be treated like heterosexual ones, or why “a man chatting up a young woman after a dance” is no offence, while a man chatting up a man presumably is.

It was not to be expected that a Working Party with this brief would, after consulting senior police officers around the country about the extent of the various “problems”, produce a programme for radical decriminalisation. Proposals for decriminalisation can never come from a review of the workings of particular laws, only from an understanding of particular social problems in the round. A policeman confronting beggars or people sleeping rough can only think of legislative improvements in his power to do something, whereas someone who knows the whole situation of the homeless and rootless may well recommend that central aspects of their way of life should not be treated as criminal. Furthermore, a policeman is unlikely to be concerned about the dangers of putting too much power into police hands.

The Working Party have, quite rightly, sought to frame offences in such a way as to protect the public against nuisance while at the same time protecting individual freedom, but with the balance in favour of the protection of the public. On the whole, though, they have been rather timid in their conclusions. They have given up too easily on the problem of getting evidence of annoyance or nuisance to the public, remarking over and over again on the difficulty of getting members of the public to come to court to give evidence. On these grounds they have usually left out the concept of annoyance altogether, leaving the way open for laws to be used to harass individuals even when there is no public benefit to be gained. They have not been very sensitive, either, about the whole concept of annoyance or nuisance. They do not seem aware, for instance, that there are some very genuine annoyances that people ought *not* to be protected against by the law—like having a black neighbour or a female boss. They seem to accept that an unkempt homeless person sleeping out is more annoying than a stranded holidaymaker doing so; that a hippy or a “beggar” begging is more annoying than someone begging in emergency; that having a homosexual prostitute soliciting in your street is more annoying than having a heterosexual one. I

would argue that none of these public prejudices should be sanctioned by the law. The Working Party also have rather rigid ideas about what is annoying to people. Indecent exposure of the male genital organ has always figured very largely, and does for them. Most women's experience must be that male masturbators and male starers are much more common and just as annoying. Perhaps it is time that the act of "indecent exposure" was decriminalised, not in order that such men can get medical or psychiatric treatment, but in order to stop the pretence that law protects, or can protect, women from this kind of sexual annoyance by men.

While not expecting a programme of decriminalisation, one might reasonably have hoped for some greater move away from the ritual use of imprisonment. The street offences relating to prostitution and other sexual encounters are an obvious candidate for complete removal from prison. At a time of financial stringency the idea of removing nearly 300 people each year, serving sentences of varying terms at a cost of £60 a week, should have an economic appeal if no other.

AN "EFFICIENT, JUST AND CREDIBLE PAROLE SYSTEM"

*The Hugessen Report**

KEITH HAWKINS

PAROLE in Canada is sometimes seen as bearing a closer resemblance to the English system than others in North America; we tend as a result to pay closer attention to the Canadian system, even though its similarities are more apparent than real. The Canadian parole board has been living through turbulent times. In the ten-year period from 1962 to 1971 it more than tripled the absolute number of paroles granted. In the same period the absolute number of revocations also tripled, whilst the number of forfeitures of parole rose tenfold. There were also a number of spectacular events involving parolees or prisoners given temporary absence. The Press, of course, began to take a greater interest in the system. At the same time, relations between the National Parole Board and others working in the criminal justice system began to suffer. It was alleged that the police had lost confidence in parole, and a number of judges added their voices to the criticisms of the system. The response of the Solicitor General was to appoint a committee of enquiry with wide terms of reference, to be chaired by Mr Justice Hugessen. The resulting report of the Task Force on the Release of Inmates has recently been published.

The Task Force criticises the present system on four counts. First, the National Parole Board is over-centralised. This leads to "a feeling of remoteness on the part of the members of the board, parole service staff, institutional staff, inmates and the public" (p. 7). (The criticism of remoteness is interesting in view of the fact that the Canadian parole authorities have gone rather further than the English in providing for personal hearings of eligible prisoners.) Secondly, the present decision-making arrangements are far too time-consuming and lead to an

*Report to the Solicitor General of Canada by the Task Force on the Release of Inmates (Chairman: James K. Hugessen).

excessively heavy caseload. Thirdly, the National Parole Board is criticised for its poor public relations and failure to foster good relationships with the police and other relevant agencies. Finally, the report observes that "there has been no clear statement in the law or by the board as to the criteria which go into the granting of parole and little is known about the extent to which decisions taken adhere to consistent principles. Apparent disparity leads to increased uncertainty for the inmate and is undesirable per se" (p. 8).

The Task Force's remedy is a two-tier structure of local and regional parole boards which would have jurisdiction over all prisoners serving sentences of two years or more (and less than two years in some provinces). The local board would be attached to a particular institution, rather like the English local review committee. It would consist of three part-time members representing the institution, the parole service and the community, and would deal with all prisoners except those with terms of five years or more, those who have a history of crimes of violence, and any other category specified by the regional board.

There would be a regional board for each of the five regions of Canada. In addition to dealing with the more serious cases, the regional board would co-ordinate the work of the local boards by review and supervision of their decisions. In discussing the composition of the regional boards, the report reveals a concern with effective liaison with other agencies and a realistic appreciation of what parole decision-making is about—it acknowledges, for instance, the significance of prison management and population levels, equalising sentencing disparity and cutting costs. It accordingly proposes a wide variety of members, including an "informed and interested citizen," a judge, a senior police officer, a psychiatrist or psychologist, a person with responsibility for programmes in correctional institutions, a person with responsibility for supervision of offenders in the community, and a criminologist or sociologist. The latter is to be someone "who is not under pressure to believe and accept the status quo"; his role would be "to raise questions which might otherwise be overlooked . . ." and he would also be expected to "emphasise the applicant's point of view" (p. 13). A former prisoner might have been a better choice for the latter task.

The Task Force opts for a number of full-time appointments to the regional boards of one, two or three years, since it wants to see a unified and consistent policy in decision-making. It seems unlikely, however, that the high-calibre members the Task Force has in mind would be willing to work full-time on a paroling authority, even for a relatively short period. Short-term appointments will also lead to a rapid turnover of members, as likely to threaten the development of a unified and consistent policy as part-time membership.

The operation of the proposed system is to be supported by a National Commissioner for Parole and a National Parole Institute designed to monitor and research into the system.

The Report is critical of the present conduct of parole selection on the grounds that its criteria are unclear, and it argues that it is possible to formulate decision-making standards with greater precision than at present (the Younger Committee would disagree). In a commendable attempt to guide discretion, heavily influenced by the Model Penal Code, it sets out lists of specific parole criteria and factors to be considered in any decision.

The Task Force also wants to introduce procedural safeguards into parole selection. It argues that every parole decision at whatever level should be preceded by a hearing at which the inmate is present. "The notion that an inmate who is eligible for parole should be granted a hearing," it says, "is one which we strongly endorse as being an essential component of any efficient, just and credible parole system" (p. 34). There are also recommendations that board members should give their decision to the inmate with reasons, and that inmates should be represented, if they wish, at their parole hearings—though not necessarily by lawyers.

More striking is the proposal that the contents of parole board files should be disclosed to prisoners before their hearings. The only information which should "arguably" not be made available to prisoners would include "certain psychiatric assessments; police reports having a security classification; information obtained on a confidential basis from or concerning third persons" (p.35). Disclosure is attractive in principle but likely to pose substantial administrative problems in practice. How much of a problem will be caused by inmates challenging the accuracy of information? How serious a logistical problem will result from the provision that the regional board's chairman shall decide whether any prohibited information should be wholly disclosed, or whether a summary should be provided? If the answer is a summary, then it is up to the supplier of the original material to prepare it, otherwise board personnel should do the job. In each case the chairman should give written reasons to each of his colleagues, who may reverse the decision by a majority vote. The Task Force's remedy seems cumbersome and time-consuming.

Consistent with its approach to parole selection, the Task Force also advocates a variety of safeguards for revocation procedure: personal hearings before a panel of the regional board, representation by legal counsel or any other person, written notification of the alleged violation, the right to present arguments and evidence, including witnesses, with a similar right for the police or parole supervisor. The Task Force lays emphasis upon the finding of fact that the conditions of parole have been violated. But perhaps equally significant is the question of disposal: and, while the report puts forward alternative sanctions, it does not offer any guidance to the decision-maker of the kind it advocates for the selection decision.

The Task Force wants to toughen up parole supervision by strengthening surveillance and control and it is keen to involve the police further in the surveillance of parolees. Its chief concern is with deterring misconduct occurring towards the end of the parole period; it is dissatisfied with the present position, arguing that the threat of revocation for only a few days, or even weeks, has little value. It recommends, therefore, that when revocation occurs during the last six months of parole the board should have "the power to order a return to custody for any period which it may determine up to six months even though this may result in an extension of the sentence of the court. Only one such extension should be permitted, however . . ." (p. 41). It is difficult to raise any enthusiasm for this proposal. If a parolee is guilty of a criminal violation of his parole only a short time before discharge, prosecution for the new offence is surely the answer. If he is guilty of a technical violation, it is oppressive for the state to reserve to itself the power to extend the original sentence of the court to punish subsequent behaviour which in itself is less than criminal.

The Task Force does not press through with its concern for due process in dealing with the question of review of decisions; instead it concludes that it would not be appropriate to provide for any sort of appeal "in the traditional sense of a right by an aggrieved party to obtain a further review of the decision before a higher body" (p. 45). The reasons for this, it says, are the impossibility of discouraging frivolous appeals which would lead to an intolerable caseload for the appellate body and a downgrading of the importance of the body at first instance, and the lack of an "opposite party" in the appellate process. But the report does envisage the possibility of a reviewing body reconsidering cases on its own initiative, recommending that the regional boards have the right to review any decisions by local boards. The decision to review should be "entirely within the discretion of the reviewing body" (p. 46). How is the review to be initiated? (It is clear that the prisoner concerned is largely—though not entirely—excluded for the reason already mentioned.) The Task Force is willing to rely on informal initiatives, citing as possible stimuli to review the identification of disparities in decisions by the National Parole Institute a change in policy or the acquisition of new information. This remedy seems likely to generate its own problems. It is difficult to accept the efficacy of a review structure which relies on internal initiative—colleagues do not like to "second guess" one another. Certainly in a system of personal hearings, with reasons given for decisions, the paroling authorities would have to learn to cope with large numbers of requests from inmates for review of their cases, whether or not such requests are based on insubstantial grounds—especially if the Task Force does "not exclude the possibility of . . . review . . . on the basis of representations made to it by the inmate concerned . . ." (p. 46).

The report contains many more recommendations, of course, among them the abolition of remission and its replacement by mandatory supervision during the last third of a sentence, the ending of the practice of reserving certain cases (notably lifers) to the Cabinet for final decision (a clear parallel with the Home Secretary here), and the abandonment of parole conditions which are too vague and general in application. Its most provocative recommendation, however, is relegated to an Appendix, as being outside the terms of reference. This is the proposal that a sentence to the penitentiary of more than two years should be for a maximum term fixed by statute, while the actual term to be served would be determined by the local or regional board. There is no space (unfortunately) to discuss the merits of term-fixing by administrative boards, save to say that, even though the report would want to impose procedural safeguards, there are weaknesses and dangers in this approach.

What emerges from the report as a whole is a concern for greater administrative co-ordination of parole in Canada, a sensitivity to research findings, and, most striking, a strong commitment to openness and due process in the administration of the system. The Canadians want to see more parole—in contrast to that school of thought which is gaining ground in the United States which holds that we need less discretion and less parole. It is interesting in light of the debate going on in this country, and especially of the shift of opinion in some quarters in the United States, that the Hugessen Task Force should advocate a system of administrative decision-making with discretion controlled by procedural safeguards, rather than

a return to some kind of "just deserts" model, with less administrative discretion. The Task Force is unshaken by criticisms that the system it envisages will be too costly and time-consuming—openness is much more valuable: "where parole decision making is secret and subject to few visible controls, its mistakes are likely to give rise to sensationalism and a high degree of public criticism. . . . Publicity and openness, apart from their inherent values, will also do much to stimulate dialogue which will lead to modification and improvements in the system itself" (p. 56).

How the Canadian Legislature will respond to the Hugessen Report remains to be seen. But those who are interested in reappraising the present English parole system will find much in it to stimulate and inform them.

THE FINER REPORT

MARTIN DAVIES

By any test, the *Finer Report** is a major social document; the Chairman himself, the late Sir Morris Finer, has commented that the subject area of the report has not been thoroughly examined since the time of the Elizabethan Poor Law. This has now been rectified, and the report provides us with a detailed, well-planned, highly readable and wide-ranging analysis of the circumstances surrounding the lives of one-parent families. In 1971, there were 620,000 such families with over a million children; they formed about one-tenth of all families with children; five-sixths were fatherless, the remainder motherless.

Quite apart from the substance of its analyses and recommendations, the report makes major contributions to the literature of law and social administration. There is a valuable social and demographic account of "The making of one-parent families," and Volume 2 (The Appendices) provides a splendid essay by Finer and Professor O. R. McGregor on "The history of the obligation to maintain," together with a study of matrimonial orders in magistrates' courts by McGregor and Colin Gibson.

But the Report is primarily a document of social policy. Its 500 pages are dominated by the Committee's discussion of the need for the state to guarantee one-parent families an adequate income, and the associated requirement that the apparatus of family law be fundamentally reformed. Finer shows "how one-parent families are the subject not of a single system of family law, but, in effect, of three systems, administered respectively by the divorce courts, the magistrates' courts, and the supplementary benefit authorities"; this triple system has clearly identifiable historical roots, "deriving from a society in which there was one family law for the rich, a second for the destitute, and a third for people in-between." Finer rejects the system because it is irrational and because it produces inefficiency and personal hardship; "it needs thorough reform."

The solution proposed involves the creation of two new structures. First, there would be a new Family Court with two lower tiers involving County Court judges and magistrates and a top tier retaining the Family Division of the High Court.

* Report of the Committee on One-Parent Families, Vols. 1 and 2. Cmnd. 5629. London: H.M.S.O., 1974.

The Family Court would aim to avoid the stigma attached to magistrates' courts because of their responsibility for administering criminal law, and it would become responsible for all matrimonial, divorce and domestic proceedings (including affiliation and adoption); the possibility of its being given responsibility for care proceedings under the Children and Young Persons Act 1969 is acknowledged. Secondly, a much less precisely defined administrative authority would be established to run the major financial scheme proposed by the Committee: the guaranteed maintenance allowance (GMA). Although detailed proposals are also made for the improvement of supplementary benefit arrangements, and although newly separated spouses would continue to be dependent on supplementary benefits in the first instance, Finer insists that one-parent families should have a generous GMA as of right. This would be a special social security benefit for one-parent families; it would be non-contributory, and the administering authority would become responsible for retrieving payments from the liable relative—usually the absent father; the authority might be associated with the Family Court, and its orders would be legally binding and enforceable as civil debts. Imprisonment for default would be abolished, and attachment of earnings orders would be the authority's main means of enforcement.

The proposal for a guaranteed maintenance allowance reflects the Committee's conclusion that the state has a responsibility to support one-parent families, to help them maintain their self-respect, to encourage high standards of child care, and to enable single parents to go out to paid work for varying amounts of time if they so wish. The traditional system of matrimonial maintenance has become notoriously inefficient, not, the Committee thinks, because of "the unwillingness, but the inability of men to support their first families"; and supplementary benefit provisions act as a strong disincentive for women to undertake anything other than full-time employment. GMA is intended to ensure an adequate income for one-parent families without undermining the responsibility of absent parents to make some contribution to their families' welfare.

In addition to those on law and income, there are important sections on housing, employment, child-care, education and family planning. Considerable attention is paid to the need for social work support services, because the Committee was impressed by the recurrence throughout the evidence they received of a number of themes: "they concerned the sense of loss and suffering, the social isolation, the burden of coping alone with the emotional and material needs of children and with unfamiliar household tasks; and, for the child, the risk of suffering the reciprocal effect of these same burdens in the shape of a lonely or depressed mother or father, grief at the loss of the other parent and a sense of being different from other children." Finer looks to the social services departments to play a much more significant role in the lives of one-parent families. "For these families, as for other groups with special problems, social services need to move out from their present 'crisis' role to play a positive part in improving the quality of life and preventing waste and suffering." Perhaps in this section, more than in any other, the major shortcoming of the report is highlighted; for, as in the Seeborn Report before it, the Finer Committee's proposals for extended counselling and support facilities are well-intentioned, humane and relatively non-controversial, but the costing of such provisions is not attempted, and Finer has undoubtedly been

excessively naive in looking to the local authorities to provide the kind of personal social service for one-parent families that it outlines. The further into the post-Seebohm era that local authorities move, the less likely it looks that they will ever again be able to aspire to that kind of intensive provision for any but the most highly selected target groups—and the probability is that such selection will be made on the basis of social control criteria rather than social need. The overall cost of implementing Finer will in any case be considerable; an estimate of £70 million is suggested to fund the GMA, while the creation of a new courts structure (together with a specialist welfare service) must involve large sums of money. Most of Finer's 230 recommendations imply increased expenditure on the part of central or local government, and it is not hard to understand the initially cool reaction of decision-makers to the report's main proposals.

The Finer Report will stand on its own for many years as an original piece of work, but the Committee members must surely feel disappointed if their work is remembered more for its high academic elegance than for its effectiveness as a political document.

SECOND INTERNATIONAL SYMPOSIUM ON VICTIMOLOGY

Boston, September 5–11, 1976

NOTICE has been received of the Second International Symposium on Victimology, which is to be held in Boston from September 5 to 11, 1976. This symposium is sponsored by the International Society of Criminology, and by Northeastern University with the co-operation of the Sociology Departments of Boston College, Boston University, Brandeis University and the Harvard Law School. Evidence of the growing interest in the subject of victimology was provided by the First International Symposium organised by Professor Israel Drapkin, which was held in Jerusalem in 1973. It was there resolved to organise a second symposium to be held in Boston, Massachusetts in the American Bicentennial Year, 1976.

The provisional scientific programme, which contains sections on

- I. Conceptual and Substantive Legal Aspects of Victimology;
- II. Criminal–Victim Relationships;
- III. The Victim and Society;

indicates the major issues to be discussed. However, the organisers say that the symposium will be open to the exchange of views on any topic and problem of victimology in order to shed light upon the nature and implications of crime, delinquency, and deviance. Further information may be obtained from the Organising Committee whose chairman is Professor Stephen Schafer, and whose address is: Organising Committee, Victimology Symposium, College of Criminal Justice, Northeastern University, Boston, Massachusetts 02115, U.S.A.

BOOKS AND PERIODICALS

REVIEWS

PERMISSIVE BRITAIN: SOCIAL CHANGE IN THE SIXTIES AND SEVENTIES. By CHRISTIE DAVIES. [London: Pitman Publishing. 1975. 246 pp. £3.25.]

THE bare breasts and buttocks on the jacket mask the scholarly assemblage of ideas, arguments and evidence contained within. Throughout the book Davies draws a distinction between causalist and moralist considerations. In the eternal conflict between permissiveness and restraint the traditional moralistic approach, according to which the self-evident wickedness of acts like drug abuse or homosexuality was sufficient justification for punishing offenders, has given way to trendier causalist arguments. Modern legislators are less concerned to punish the wicked. They want to know whether the behaviour harms other people or creates a serious social nuisance, so they can weigh in the balance the likely consequences of permissive legislation as opposed to "criminalisation."

As Davies points out, causalism has become so fashionable that the protagonists in public controversies are ashamed to admit the moral basis of their opinions. Opponents of capital punishment find the idea of cold-blooded hanging repugnant, but they argue against it on the grounds that it is an ineffective deterrent. Supporters of the death penalty find it equally repugnant that "terrorists" should escape just retribution, but in their public declarations they give reasons of expediency, such as the danger of innocent persons being taken hostage in efforts to secure release of a prisoner who has been spared execution.

The author's personal beliefs are fairly liberal-minded. "Abortion on demand, the legalisation of cannabis, the final withering away of the censor—none of these changes evokes any fear or hostility in me." On the other hand he regrets that such changes come about from moral indifference rather than from a positive belief in tolerance. The abrogation of moral values, and the substitution of considerations of short-term expediency, will not make for happiness in the long run. A totally permissive ethos encourages immediate pleasure-seeking in place of the more lasting and satisfying rewards of trained appreciation, hard-won achievements, stable relationships and the pursuit of excellence. "What is needed in society is a better balance between jam today and jam tomorrow." Too much jam today is destructive as can be seen "in the sad fate of heroin addicts who in effect kill themselves at a young age in pursuit of an elusive and disappointing pleasure."

Having noted these opinions in the conclusions, one can appreciate better the treatment of various topics in previous chapters. The issue of censorship still attracts moralistic argument. Pornography, to some people, is an unmitigated abomination to be put down without question. The American Commission on Obscenity and Pornography adopted a causalist approach, sponsoring empirical research into the immediate effects of permissiveness. Evidence was adduced to show that the free availability of pornography seems to reduce the incidence of certain sex crimes. These causalist arguments have had no appreciable effect

upon legislation in "the land of Prohibition," but Davies thinks they might catch on in Britain. Evidence suggests that, whereas viewing sex results in socially harmless masturbation, viewing violence provokes real life aggression. It remains to be seen whether future legislation will be influenced by this finding or whether it will remain rooted in moral precepts.

The chapter on sexual behaviour and attitudes reviews some rather sparse factual information. Attitudes appear to have advanced towards permissiveness in sexual relations much more than actual behaviour. The increased incidence of illegitimate births and registered abortions is partly accounted for by fewer "shot-gun" weddings and easier access to legal abortion. They do not reflect any widespread support for casual promiscuity. A utilitarian permissiveness towards sex, provided it goes with an affectionate relationship, has supplanted wholesale moral condemnation of pre-marital intercourse. Remnants of unthinking moral abhorrence are detectable in irrational attitudes towards venereal infection, which still arouses feelings of shame and disgust more than any other kind of illness.

The author is sympathetic to the sexual ethic of "permissiveness with affection," but fears "the menacing rise of the so-called women's liberation movements." The need for birth control has devalued women's child-bearing function and aggravated women's discontent with their social status. This discontent, leading to sex war instead of sex co-operation, is disruptive to the institution of the family, but the family has survived worse pressures.

The chapter on homosexuality, quaintly titled "Buggery and the decline of the British Empire," reveals particularly clearly the author's addiction to individualistic interpretations. He notes first, and at considerable length, that social and legal prohibitions against cross-dressing and homosexual behaviour are stricter for men than for women. This he attributes to the disruptive effect male homosexuality would have on modern, bureaucratically organised armed forces. In the time of Edward II or James I or Kaiser Wilhelm II, the monarch's male favourites, given positions of political or military importance, created great tensions. A homosexual coterie is inimical to hierarchical military discipline. In England, the Sexual Offences Act 1967 specifically excluded members of the armed forces from the privilege of legal homosexual indulgence. Davies notes that the taboo against male homosexuality reached its peak in England at the end of the last century, with the Oscar Wilde trials and a sudden awareness of the danger of sexual activities in public schools. This peak coincided with the culmination of the British Empire. With the decline of Empire, and the decline of the importance of military domination, the need to suppress male homosexuality lessened. A similar sequence occurred in Germany. In the pacific period between the two world wars homosexual permissiveness flourished in Berlin, and in the early thirties the S.A., under Röhm, was notorious for homosexual practices. After Hitler came to political power in 1933, and needed the support of the regular military, he turned against the S.A., publicly denounced its leaders as homosexuals, and had Röhm and his colleagues murdered or imprisoned in a dramatic purge. In contrast, Denmark, which has not been involved in a war for two centuries, has for a long time showed unusual tolerance towards homosexuals. Davies concludes that the supposition that the rise of sodomy rots

empires puts the cart before the horse. Sodomy emerges when empires decline because suppression ceases to operate. Ingenious as it may be, this interpretation is unlikely to impress historians or social anthropologists, who will surely be able to produce examples of militaristic cultures going in the other direction. Davies cites a few himself (*e.g.* the Samurai of medieval Japan), but dismisses them as small bands tied to a charismatic leader. Still less will the interpretation appeal to the many psychologists who believe the incidence of homosexual behaviour is determined by factors that have little to do with political or military convenience.

The discussion of drug abuse brings out more clearly the author's delight at finding evidence for the effectiveness of authoritarian measures of control based upon moralistic considerations. He notes that in Britain the permissive approach, which allowed doctors complete discretion, led to over-prescribing, proselytising by addicts, a black market in medically supplied heroin, and a socially damaging epidemic of abuse by weak-minded, inadequate characters who quickly got themselves into serious and sometimes fatal difficulties. Moreover, once the epidemic had reached a certain critical size, it became practicable and profitable for criminal characters to step into the drug-traffic trade. Contrary to the assertions of some trendy sociologists, who secretly admired and obtained vicarious satisfaction from the behaviour of deviants, the heroin addicts were unstable, amoral individuals who brought disaster upon themselves and upon other foolish characters who got drawn into their drug scene. The one effective method of rescuing such addicts has proved to be Synanon, an extremely authoritarian self-help organisation, which requires its members to abjure the language and attitudes of permissive society, to become industrious, and to earn acceptance and promotion by strict conformity to inflexible rules.

In effect, Davies, who believes that permissiveness has gone too far, is arguing that the utilitarian justifications for permissiveness are demonstrably fallacious when applied to control of heroin abuse. Although he does not put it in these terms, he clearly believes in paternalistic methods to protect the foolish against themselves. In some contexts, such as child-rearing or the care of the mentally subnormal, nearly everyone agrees paternalism is necessary. A convincing demonstration that paternalistic restraints on drugs, exercised via the criminal law rather than by education, taxation and control of supplies, are really justified in utilitarian terms would require a great deal more analysis and argument than Davies puts forward. To imply that the methods of Synanon, effective as they may be in converting a certain type of addict, have lessons for social control in general seems to me unjustified. Old-fashioned diatribes against demon drink were used to good effect by the Salvation Army, but one would never use that example as a model for the regulation of alcohol consumption.

While fascinating as an exposition of an individual academic's views on a number of different social control issues, this book will contribute to rather than resolve the controversies in question. The relevance of criminological studies to moral debate needs pointing out by criminologists, but how far the working criminologist should go in pressing his individual views and interpretations is a matter for some reflection.

D. J. West

BOOKS AND PERIODICALS

CRITICAL CRIMINOLOGY: Edited with contributory essays by IAN TAYLOR, PAUL WALTON AND JOCK YOUNG. [London: Routledge and Kegan Paul. 1975. xii + 268 pp. £5.95.]

THIS book is a collection of essays chosen by the authors of *New Criminology* to represent current British and American attempts at developing radical theory for criminology. Several of the essays were written before the appearance of *New Criminology*, one in reply to it, and, of major interest, there are new contributions by Taylor, Walton and Young themselves.

Radical criminology is socialist criminology and all contributors appear to agree that Marxism is a superior philosophy for critique and action in pursuing that commitment. However, it is in getting beyond the theoretical assertion of that position to the implications for life and work that the problems lie. It is with the implications for the work situation of a committed criminology that the potentially large readership employed in the expanding legal, penal and welfare services will be concerned and its relevance for revolutionary socialism will be tested in providing for such groups a strategy to harmonise socialist politics and how they earn their living.

There is first the problem of Marxist philosophy. The unsympathetic and the agnostic radical alike point to disputation within Marxism as reason enough to ignore it. In fact such disputes, which inevitably revive because of both social changes and new generations experiencing and responding to them, confirm the health of the Marxist approach. In this volume Paul Hirst's important critique of the epistemological looseness of *New Criminology* is included along with the earlier and inadequate reply by two of the authors. The collective statement by Taylor, Walton and Young in this volume does, however, respond to and reflect criticisms of their earlier work from various Marxist positions—though note 10 (p. 61) has given Paul Hirst another article.

But one can feel sympathy for Hirst's concern to rescue Marxism from radical deviancy theory (p. 203) after reading some of the American contributions. Richard Quinney, Chambliss and the Schwendingers present Marxist-influenced essays which ignore the problematics of Marxist thought itself. Marxism is as much in crisis as positivist-utilitarian ideologies but it has more to offer than the provision of a cutting edge to descriptions of the inequalities or racism of American society. Tony Platt, in an excellent brief account of the general prospects for radical theory in the United States, blames the paucity of Marxist study there, particularly in history, on the repression of Marxist scholarship in the universities. This explanation, echoed by the editors, for the relative superficiality of radical analysis is no doubt valid. But from a viewpoint of change, the virtual disappearance in America of the populist student and youth movements which had forced even this degree of radicalism in recent criminology should be noted. Radical social science of this variety may prove no more than an academic ripple in the wake of the now defused struggle provoked by Vietnam, destined merely to modify reading lists on the campus. The struggle over Berkeley's School of Criminology, and the Schwendinger's fight for tenure there, should provide a pointer before long.

In the British contributions, Geoff Pearson provides a sympathetic exploration of the varied political and intellectual influences on "misfit sociology" and

wonders whether in time it will be seen as an adaptation to the political problems facing radical social scientists in the late sixties. The collective essay by the editors is also very largely a critique of "the revolt from orthodox criminology." From their Marxist standpoint the limitations of theory and research produced in the heady days of the early N.D.C. are catalogued (Jock Young's article repeats a lot of this with much greater cogency and conviction).

In retrospect (the reviewer believes), the explosion in research and writing of the last decade in deviance study can be traced to the implications of research on criminal statistics. The fact was that only a sample of criminals were punished and that sample consisted of working-class violence or property offenders. Research confirmed what everybody knew anyway, that crime was not a working-class phenomenon as such at all. The criminal law expressed universal norms; why then was its application so class selective? The answers were not sought, as Taylor, Walton and Young point out, in explanations which looked at theories of the state or even working-class crime. Rather a variety of themes and fashions were embraced largely from American sociology—labelling, ethno methodology, conflict theory—which translated easily into the idealism and free-floating radicalism of the élite youth of the late sixties. Deviance research as a result, however refreshing, did distort and exaggerate its subject matter, and by mere inversion of the arguments of orthodox criminology was ultimately forced into a political cul-de-sac.

Taylor, Walton and Young, in the meat of this book, propose a way out. They sketch the basis of a "materialist criminology" the methods of which are Marxist, the focus law. They argue for a historically grounded study of law which will specify the relationships between modes of economic production and the legal system—the variations over time and space between economic substructure and legal superstructure. The examination of such relationships will lead to empirical evidence on how law legitimates and enforces particular modes of production and points the way out of the system of present-day capitalist production and state forms with their inherent criminogenic inequalities.

This thesis is tentatively and crudely stated. That is not a criticism of its significance, but more reading of the literature in sociology of law (which is rather ignorantly dismissed) may cause the authors to refine their formulation. The project of tracing with any degree of exactness the relationships between economic changes and particular laws (the authors cite as an example the Industrial Relations Act) is fraught with difficulties of many kinds. This must be even more the case when the focus is other than criminal law. Such analysis as is possible, for example across legal cultures, could prove to be no more than a highly abstracted form of the exposé criminology which it is proposed to pass beyond.

If crime and punishment as subject matter are to survive as a separate field for radical theory and practice, the themes separately explored by Jock Young appear more pertinent to materialist analysis. He begins with the basic problem of Marxism: why is there no large-scale struggle for revolutionary change and, from the focus of deviance theory, why does the working-class not openly pursue economic crime?

Young's tentative revisionist answers have this merit, which is also the major criticism implicit in this review of the book: they seek to face the difficulties of

revolutionary practice, to face the fact that the potential readers of this book are working now *within* the social democratic ideology, that contains for them as many part-truths as bourgeois statements about crime and the social order do for the working-class as a whole. It is one thing to proclaim that the academic radical will not do research for the state, it is another to provide a meaningful practice of political and working life for his former students who now work the social services of the state. This task must be the next stage. The sympathetic reader who studies these sensitive attempts at synthesis by Taylor, Walton and Young will be confident that it can be done and that these theorists will contribute much to it.

K. Boyle

THE CRIME INDUSTRY. By JOHN A. MACK in collaboration with Hans-Jürgen Kerner. [Farnborough: Saxon House. 1975. x and 209 pp. £6.]

How refreshing it is to find a criminology book that is actually about crime—and, what is more, one that is written in a lively and argumentative style that reveals a genuine interest in the subject. John Mack has for a long time persisted in working in a most unfashionable way: he has tried to find out and analyse facts about people who commit crimes (especially his “full-time miscreants”) rather than to conduct more elaborate and “scientific” studies of the people who happen to be processed by the courts. During all the years when quantification of the trivial was preferred to the struggle to master the important, he ploughed a lonely furrow away up in Scotland, occasionally offering readers of this journal the fruits of his labour, but seldom getting much response from us. At last, in America at least and gradually spreading here, fashion is catching up with him and his present book comes at a time when it is much needed and when it will get the attention it deserves from his colleagues.

The book is based on a report commissioned by the Council of Europe; experts from a number of countries have contributed, besides the more substantial collaboration of Hans Kerner. The main focus is on large-scale, full-time, profitable crime in western Europe. Mack chooses the title “the crime *industry*” advisedly. The concern is with the structure and operations of collective criminal enterprises, viewed as purposeful economic activities. It is not with the crime “menace” or with the criminal “mentality”: not with social or individual pathology. The groundwork for an overall picture of the state of the crime industry in western Europe today is laid in the first section of the book, which explores the problems of terminology and the ways in which inappropriate categories like “organised” and “professional” and concepts and pre-suppositions borrowed from interpretations of the north American scene have restricted our understanding and our ability to observe and describe. When the old terms are cleared away, Mack is able to observe that: “The most interesting changes in criminal organisation in the course of this century, particularly in very recent decades, relate not to the established criminal techniques, predatory or parasitical, but to a strong increase of activity in the field of what we propose to call business-type crime. . . . This is the single most interesting discovery made by the research team. It had not been expected” (p. 12). By “business-type

crime" he means "the criminal exploitation of business opportunities", which can range from the traditional long-term fraud, set up on purpose by criminals, to various other company frauds carried out by shady businessmen and also by people in good standing in business and political circles. Mack is also able to clarify the nature of "syndicated" crime in western Europe in contrast to the United States of America.

The second section contains brief reports on the state of the crime industry in seven western European countries. These are largely based on the available literature and on interviews with police, officials and other experts by the various collaborators. As a result they are not always very comparable with each other, since the investigators and the informants in each country have tended to stress rather different aspects of their subject. Thus the report, by Hans Kerner, from the German Federal Republic includes a fascinating discussion of the various criminal *milieux*, not found for the other countries, while the report on Italy, by Jean Susini, focuses on changing forms of professionalism and is informed by a particularly sensitive awareness of the effects of informants' stereotyping on descriptive accuracy. Each of the reports has its own merits and its own lacunae, but all may provide useful sources for further analysis. There is also a short chapter on international criminal networks, which sketches a classification of these networks. It breaks new ground and is interlarded with commentary by Interpol, providing much interesting information and interpretation.

Finally, the book has some chapters on problems of legal control, on the penal system, an excellent succinct discussion of the Sicilian Mafia, a useful review of current research and a reprint of John Mack's article on "The Able Criminal".*

The book is certainly an odd one; it stands somewhere between the administrative report and the contribution to scientific criminology. It lacks a coherent theoretical problematic; yet it shows a sophisticated awareness of the ways in which terminology structures and limits knowledge. The research programme was clearly not favoured with resources comparable to those of the classic United States President's Commissions, yet it has produced an impressive amount of information. Altogether, it represents a bold attempt to assess the present state of the "crime industry" in western Europe today.

Mary McIntosh

SCANDINAVIAN STUDIES IN CRIMINOLOGY, Volume 5. (General Editor, Nils Christie). [London: Martin Robertson and Co. 1974. 125 pp. £3.95.]

In his Foreword to the first volume of *Scandinavian Studies*, published in 1965, Johannes Andenaes noted that many of the contributions reflected "the efforts towards a precise charting of criminality and the reactions of society which in recent years have played an important part in Scandinavian criminology." This has remained the underlying theme of the articles (and recently monographs) included in the succeeding volumes. Volume 5 continues the tradition with a collection of well written and informative essays. If it is rather less stimulating than previous volumes (all of which contained something novel—either in ideas,

* *British Journal of Criminology*, Vol. 12, No. 1, January 1972.

in the subjects of research or in the methods of inquiry) it is because here the accent is more on adding to the body of empirical findings on crime and its control in the Scandinavian countries than on any new approaches.

Five of the nine essays are concerned with the state of crime. Inkeri Anttila's short note on the dangers of overbalancing into a purely victim-centred approach is followed by two articles based on victim surveys. Ragne Hauge and Preben Wolf present the findings from a comparative survey of criminal violence in Norway, Denmark and Finland and Kauko Aromaa analyses recent trends in violent crime in Finland. Both studies show the low level of violence in Nordic countries, especially Denmark and Norway. But perhaps the most important finding was that the official statistics, for all their faults, were shown to reflect correctly the rank order of the different levels of frequency of specific offences in the three countries: thus confirming that, at least for violent offences, official figures can be used for comparative analysis between "countries in the same cultural sphere". Vagn Greve contributes a description of a Danish self-reported crime study which confirms the lack of association between admitted deviance and social class found in previous Nordic inquiries. At a more general level Esbjörn Esbjörnsson, a Swedish official, writes a fascinating account of international criminal activity. He suggests that Sweden's well-known low penalties may be an attraction to foreign criminals (a factor now being noted also by the Dutch) and points to the differences in criminal codes as a factor which inevitably stimulates illegal trade. For example, amphetamines easily and cheaply available in Italy are taken to Sweden and sold at a high price, where low-priced pornography is purchased for shipment to Italy where again high prices are paid.

The remaining articles deal with aspects of policy. At the theoretical level Klaus Mäkelä analyses the Durkheimian notion of the "necessity of crime." He cleverly exposes the weakness of the view that crime is of positive benefit and concentrates on the social functions of the penal law not for maintaining social solidarity but as "an instrument for moral education." He argues for a shift of interest towards attempting to discover the extent to which "a restructuring of legislation and the theory of penal law" can regulate "crime against industrial rights, irresponsible exploitation of property rights, crimes against the environment and so on". I hope he will tell us in another essay how this may be achieved.

The short essay by Tove Strang Dahl, based on her wider study of the emergence of the Norwegian child welfare legislation, is notable for its interesting analysis of the part played by jurist Bernhard Getz in importing positivist ideas into a Norwegian society where there was little obvious concern about juvenile crime. The other papers deal with inmate subcultures in three Danish borstals—or rather the lack of them—and with the role of the local police preventive units in relation to other social work agencies in Oslo.

Taken together, the essays provide another useful insight into the development of Scandinavian ideas and research. More than once the reader is made aware of the strong ideological commitment which provides the impetus for many of Scandinavia's younger criminologists.

Roger Hood

POLICE-ASSOCIATION AND DEPARTMENT LEADERS: THE POLITICS OF CO-OPTATION.

By STEPHEN C. HALPERN. [Lexington, Massachusetts: Lexington Books, D. C. Heath and Co. 1974. 127 pp. £5.35.]

POLICE AND THE BLACK COMMUNITY. By Robert F. Wintersmith. [Lexington, Massachusetts: Lexington Books, D. C. Heath and Co. 1974. 149pp. £6.15]

SOCIOLOGISTS interested in the way projected reforms sometimes have effects contrary to those intended might reflect on the United States campaign to secure civilian review of complaints against police officers. The first board was established in Philadelphia in 1958 by executive order of the Mayor. New York, Minneapolis, Rochester and York (Pennsylvania) followed. No civilian review boards now exist in these or any other cities. Attempts to impose them were a major impetus to the politicisation of the police and to the growth of police unionism. For this, and other reasons, the problem is now probably worse than before.

Dr. Halpern, a political scientist, studied police organisation in three cities: Baltimore, Buffalo and Philadelphia. His account of Baltimore begins with a professionally oriented police commissioner, passionately opposed to police unions, who discovers that he needs the support of politicians who in turn want the votes that labour leaders can bring them. Within six years the commissioner had turned right round and was busy co-opting members of the two employee associations to adjudicate on internal discipline boards. In Buffalo the relationship between the leaders of the Patrolmen's Benevolent Association and the department administrators had historically been an informal and comfortable one. The power of the association in many ways constrained the commissioner's ability to run his department as he thought best in the interests of the city, while a breakaway association formed by the younger officers was perceived as a threat by both the commissioner and the established police association. In Philadelphia the police association was mobilised by opposition to civilian review. In his hour of need the mayor obtained police support by appointing as commissioner Frank Rizzo (a cops' cop, who has since succeeded him) and by back-tracking on civilian review. However, when Rizzo was commissioner, his support for rank-and-file police views meant that the association leaders had less to offer their members and it cost them their positions.

Halpern's book invites comparison with a similar study that appeared at the same time. In *Police Politics: A Comparative Study of Three Cities* (Cambridge, Mass., Ballinger Publishing Co. 1974) Leonard Ruchelman compared the outcomes of struggles in New York, Philadelphia, and Chicago, which involved their mayors, police commissioners and police associations. Where Ruchelman has a little more on the political aspects, Halpern has some illuminating observations on the way improvements in police education introduce young officers who see themselves as professionals and wish to be consulted more effectively in departmental policy formation. This is a source of change in the character of police associations. The elastic concept of professionalism will not only provide police chiefs and association leaders with a basis for negotiating a new relationship but it will be used as a new justification in their struggles with other bureaucratic organisations in the local political scene.

Wintersmith's volume—despite a kindly foreword by Egon Bittner—is a less original contribution, but then it is presented as one designed for a wider readership than the academic community. It provides a potted history of police-black relations under slavery and subsequently, drawing upon secondary and tertiary sources. The author interprets modes of control under slavery in terms of the interests of a ruling class, but in his discussion of the later period, and of the north, the class perspective is abandoned in favour of plain, if selective, narrative. This is followed by a survey of community relations policies in police departments across the country in which he uses J. Q. Wilson's distinction between law-enforcement and order-maintenance to argue that the police mission is ambiguous. Because order-maintenance activities are informal they are easily influenced by the personal prejudices of police officers. Wintersmith develops the familiar theme that the nature of American police work, as presently organised, demands conformity to occupational values that militate against good race relations. Modifying the patrolman's outlook is not a question of attitude training but of changing a system of relations that, because of its necessarily defensive character, is remarkably effective in resisting change. Police attempts to improve relations with black communities have few successes to report.

The third, and most interesting, section of *Police and the Black Community* is the report on the author's field study in a border city in the course of which he interviewed three members of each of eleven black civilian associations. It indicates that the more "militant" an organisation was, the more emphatic was its insistence that not enough arrests were being made, and the more specific it was in identifying kinds of crimes which its members considered harmful to the black community. The chief complaint of the militants was that the city's police simply were not good enough at their job. When representatives of some of these groups had informed the police of the activities of named drug-pushers no action had been taken. The more middle-class and reformist black organisations did not think they were likely to be treated any better by the police. They were more concerned about law enforcement, but virtually all groups agreed that the first priority was to get the police to adopt policies that were community-oriented.

Wintersmith is concerned about dissension in the black community, but he does not explore the nature of that dissension beyond pointing to differences between those who have "made it" and those who have not. Nor does he discuss just what sort of community is involved. He contends that the middle-class are responding to the law-enforcement and the working-class to the order-maintenance functions of the police, and that there is no ideological disagreement in black criticism. Wintersmith argues for the creation of a new specialist branch within the police, wearing different uniforms, who would be concerned with conflict resolution and order-maintenance. He also wants black representation in bodies that will decide the objectives to be achieved in police operations. It will be interesting to learn whether such changes prove possible in cities with a black mayor and where blacks are a majority of the electorate, but experience so far is scarcely encouraging.

Michael Banton

DRUGTAKERS IN AN ENGLISH TOWN. By MARTIN A. PLANT. [London: Tavistock Publications. 315 pp. £6.50. Also in Social Science. Paperback. £2.95.]

THIS is a participant observation study of 200 drug-users which goes well beyond the stereotypes based on clinical and prison populations. The town is Cheltenham, whose image of a genteel retreat for the respectably retired has been improved by its new bohemian population of "heads."

Plant contacted his sample by "snowballing," gaining the trust of drug-takers and using friendship networks to penetrate into the deviant world. What the method lacks in rigour, it makes up in sensitising the researcher to the values, culture and life styles of the deviant. Indeed with non-captive deviant populations, it is often the only possible research method. The study reveals the diversity of drug-taking subcultures and how these are generated by class and educational differences. The sample was young (mainly between 18 and 25), three-quarters of them male, single and living apart from their parents. They fell into three groups: students, non-manual workers and manual workers/unemployed. The latter were from local, low-status families, or drop-outs. The former two groups presented an image of the typical English "head," who leads a conventional middle-class life, holds radical views, and is a part-time hippy, turning on in leisure moments. They contrasted with the junkie, a more delinquent aggressive deviant, who was unemployed or else a routine unskilled worker. Both groups had been introduced to drugs by close friends, and the approval of friends was important in extending poly-drug experimentation, and in initial drug use. Drug-taking was part of general leisure behaviour, used socially like alcohol or tobacco. The *effects* of the drug were less important than the *meaning* it had—including belonging to a symbolic community of drug-takers. Life styles were quite different for the two groups. The larger group, the student/non-manual worker "heads," were committed to conventional careers, discreetly controlling their drug use so as not to interfere with this. The unskilled/unemployed group were in stark contrast. They lived in crowded accommodation, had convictions for both drug and non-drug offences and evolved a status system based on drug use. Poly-drug use of an extreme kind was the danger to this latter group. Whilst hallucinogen users have constraints against injection built in their value system, the danger with a status system based on poly-drug use is that heroin can become the drug of total commitment, and opiate escalation the main danger. In fact both groups rarely used hard drugs, although the unemployed/unskilled group was prone to this abuse.

As can be seen, in drug-using groups, the actual drug use is less important than the life style, values and self-images which are formed from the subculture. Plant rejects the notion of a specific subculture, arguing that, whilst it is useful as a theoretical paradigm, his sample revealed considerable differences between individuals and enough similarities between drug-takers and non-drug-takers to reject subcultures in favour of drug-taking as part of a general life style. He also argues that many individuals who believe they are members of a subculture are in fact limited in their commitment to the subculture and their behaviour in any alternative sense. Plant argues that most drug-takers drift between the deviant and the conventional world. Subcultures are both solutions to collectively experienced problems and symbolic universes whose stylistic form can be used to

articulate an identity outside the mundane world of the institutions of education and work. Their consequent social reality involves a complex set of interactions with "straight" society. Their importance is their symbolic element in terms of what they mean to the self-image of the actor. Boundaries between sub-segments of subcultures are vague, and may become analytically distinct only when larger variations such as class are considered. Plant's groups denied class boundaries, but in fact retained them. The student/non-manual worker group remained within a part-time, bohemian subculture, itself based on middle-class ideas concerning leisure and self-growth. Their future was more rewarding both instrumentally and expressively. The mainly working-class unemployed/low-status group on the other hand rejected the type of work open to them. This is not the same as rejecting work, but involves a rejection for as long as possible of what looks like a bleak future. The junkie subculture offered a repository to those who felt psychologically incapable of dealing with their lives, whether the origins of this depression were rooted in the personality or the oppression of the social system. For this group drugs may become a way of dealing with an intolerable situation, and the solution lies in concentrating not on drug use, but on their basic problems or on their deprived environment.

What emerges from this study is that drug-taking is not itself a problem. However, the spread of drug use as an accepted risqué leisure activity affects the junkie group in two ways. First, junkies become more isolated and rejected and may retreat into hard drugs as the soft drug subcultures begin to look more and more like the alternative bourgeoisie. Secondly, as drug-taking spreads through the young middle class, the more likely society is to relax its drug laws, rather than risk alienating its young from a specific aspect of the institution of law which might begin to call wider social issues into question. Plant convincingly argues that drug-taking is an innocuous form of private social behaviour. He feels society should concentrate research not on drug-taking, but on "problematic" drug-takers. The danger of this is that at present unrespectable drug-takers have the support and sympathy of many of the young middle class, because there is a sympathy and a solidarity between respectable and unrespectable because of police prosecution. Easing of the drug laws in favour of the respectable would create an élite of non-problematic drug-users. Only the complete abolition of drug-taking as a criminal offence can overcome this. It is the deprived social conditions and the bleak future facing members of the junkie subculture which needs to be eroded, and Plant hints that the roots of this lie in personal disturbance or class privilege. Humane and liberal research such as this has done much to counteract the bigoted stereotypes of traditional criminology. Studies such as Plant's will deserve our thanks if a more lenient policy is eventually followed concerning drug use. At least at present it shows that Cheltenham is going up in the world (in more ways than one), and that is an improvement. Let us hope the drug squad do not over-react.

Mike Brake

CEREMONIAL CHEMISTRY. THE RITUAL PERSECUTION OF DRUGS, ADDICTS AND PUSHERS. By T. SZASZ. [London: Routledge and Kegan Paul. 1975. 243 pp. £4.95.]

IN a review of one of Szasz's many books on mental illness, Hugh Freeman described Szasz as being like a "gipsy fiddler from his native Hungary who has got stuck on one tune . . . in this case for 20 years". In case you were hoping, as I was, that a change in topic might herald a change in tune, then you would be sadly mistaken. Szasz himself makes it clear at the outset that he sees drug use and its persecution as a special case of the more general "psychiatric enterprise". Thus, at £4.95 for 180 pages of extremely repetitious text (including 15 pages left unaccountably blank between chapters) it represents very poor value for money if you have read any of his earlier books.

Just as so-called mental illness does not belong within the ambit of mental health practitioners neither, says Szasz, does drug use. The study of drug use and drug avoidance, he says, should properly be called "ceremonial chemistry," which itself belongs in the realm of religion and politics. "'Dangerous drugs,' addicts and pushers are the scapegoats of our modern secular therapeutically imbued societies; and . . . the ritual persecution of these pharmacological and human agents must be seen against the historical backdrop of the ritual persecution of other scapegoats such as witches, Jews and madmen." In fact, of course, "drug abuse is not a regrettable medical disease, but a repudiated religious observance."

Thus, just as "mental illnesses" are in fact "problems of living" (which require a freely entered contractual relationship with the likes of Szasz for their solution), drug use represents ceremonial expression of the universal need for social contact and communion. Unfortunately, societies also have a universal need (Szasz is fond of universal needs) for scapegoats. And "threatened with imperialistic communism, a shortage of energy and environment pollution, the modern American sets out to solve his problems by persecuting marijuana smokers and heroin sellers." Indeed, they have gone further—into an international imperialistic crusade to stamp out the rest of the world's use of their own ceremonial drugs, to be replaced by the "healthy" western ones (tobacco and alcohol).

Szasz's ideological position stands out clearly once again—that curious nineteenth century *laissez-faire* liberalism characteristic of his other works: a passionate plea for the "internally" rather than "externally" regulated individual. This position leads him, in this work, into strong support for pushers and producers (perhaps the most original parts of his book, since these groups have tended to be maligned even in the more radical texts on drugs, as Szasz points out). To Szasz they are basically harmless people, freely offering a useful service for autonomous human beings to take or leave (I sometimes think Szasz's ultimate hero would be Joseph Heller's Milo Minderbinder in "Catch 22").

The style of writing—the bland, undocumented assertions mixed with an almost charlatan eclecticism when he does bother to document—is both stimulating and aggravating. It also leads to some bizarre conclusions. Did you know, for example, that the clamp-down on opium in the United States stemmed from the fact that the majority white population felt threatened by "superior" oriental immigrants (Szasz's support for racial minorities is dangerously racist), and

attributed that superiority to the beneficial effects of the oriental habit of opium smoking?

Szasz's specific indictment of the medical profession as the arch-villains in the oppression of innocent people is less convincing in relation to drugs compared with mental illness. Drug users (and more especially pushers) are still subject to a retributive view which allows, of course, for the free-will of which Szasz is so fond. He fails to account for the fact that drug "misuse" is processed far more via the penal process than by psychiatric practice, quite unlike mental illness.

Szasz's arguments are powerful, though, and need to be taken seriously. But in the case of mental illness the strength of the argument rested on whether we could really characterise most "mental illness" as simply the personal problems of ordinary people who only need to be able to shop around freely for help instead of being incarcerated against their will (Gove's arguments and evidence have seriously challenged this). Similarly, the strength of the argument on drugs rests on whether so-called drug abusers can be seen mostly as people freely choosing their own particular ceremonial chemistry without finding themselves in a position they themselves find intolerable, and pushers as the harmless characters Szasz portrays. He specifically ignores the question of the effects of drugs (physically, individually and socially). Indeed, in this respect he is guilty of the same error as the anti-drug crusaders in tending to treat all drugs as though they were more or less similar in these respects. In rightly emphasising the hypocrisy of current policies which promote some and deny others without any real relation to actual harmfulness, he ignores the fact that there has now emerged a significant and informed debate in this field incorporating both state-accepted and state-opposed drugs. Surely such questions need to be dealt with even in the admittedly different context of Szasz's thesis?

Finally, while Szasz was something of a pioneer in the field of mental illness, in tackling drugs he is a late-comer in a very well-worn field. This makes his disregard of the considerable literature a serious shortcoming. Surely the works of Becker, Dickson, Schur, Gusfield and Duster (our own Jock Young gets a mention—but only in the Bibliography!) require mention, if only because some of their ideas would have given considerable support to his arguments?

Bob Roshier

DEVIAN'T BEHAVIOUR AND CONTROL STRATEGIES. By A. L. WOOD. [Lexington, Mass.: Lexington Books. 1974. 209 pp. £6.]

PROFESSOR WOOD is clearly dissatisfied both with the undigested descriptive information provided by "establishment oriented sociology" and with mere moral indignation as expressed by "unblemished radical sociology," at least in so far as explanations of deviant behaviour are concerned. He does not attempt to construct a theory of deviance himself but he reviews competing prevailing notions of deviance found in the literature, and indicates the confusion of purpose in the different perspectives. This leads on to a classification of types of deviance—the main merit of which is the attempt to locate deviance and compliance in

terms of broader social control systems. A substantial part of the book deals with the sociology of social control and eventually narrows to the sociology of law in modern Western societies.

With such a focus this book ought to be of some interest in Britain. Revised perspectives in criminology admit the integral, reciprocal relationship between deviance and social control and there is, as yet unfulfilled, a promise to understand deviance and compliance in terms of wider "control systems". Equally the prospect for developing the nascent sociology of law will be enhanced if the insights from deviancy studies are not ignored—though there must not be a too uncritical borrowing of perspectives from deviancy theory with its often narrow and blinkered approach to control and its emphasis on penal measures and criminal sanctions. Wood's book could then be an important aid furthering both interest and collaboration among workers in these two fields.

The book begins with a rather elementary discussion of the problem of order in society, of normative values and variations in behaviour. It proceeds to notice different approaches (eight) to the study of deviance, outlines a number of facets of proscribed behaviour identified in the literature, and then explains that the lack of consonance in proposed interpretations derives from the fact that different schools of thought (especially structuralism, naturalism and labelling) are asking different questions for different reasons. Thereafter discussion of informal and formal social controls introduces a review of sociological, psychological and social psychological studies of compliance, conformity, deviance and sanctions. Anthropological and historical material on law as a mechanism of social control generally, and its association with different forms of social organisation, presages a discussion of law and legal sanctions in modern society. This includes conceptual clarification (much influenced by Fuller and Selznick on "legality"), the notion of "justice" in the law and its utility, the enforcement of law, law and social change, the making of laws, different strategies of control lying behind (different) criminal sanctions. The book, perhaps anomalously, concludes with a chapter touching on the debates about treatment and therapy *vis-à-vis* deviance.

In all this material there are of course useful points and a number of very important issues are touched on. Wood appreciates the importance of deviance being considered *along with* compliance and conformity, and in terms of formal and informal controls. He is helpful and extremely conscientious in gathering together much of the literature (admittedly with a pronounced American bias) that provides the basis for further research in these areas. But what seems at the beginning to be his tolerance of different approaches and perspectives eventually transpires as a rather uncritical and derivative summarising of what other researchers have found out or suggested. Just about every study and every proposition or theory has "some truth in it"; Wood lists the truths and the limitations diligently. The problem is that the truths and propositions lead us in too many different directions at once; frequently points oppose or contradict each other. By refusing to adopt any particular stance—or develop his own framework—Wood offers a compendium of writings on deviance, compliance and social control but not very much more.

Colin M. Campbell

BOOKS AND PERIODICALS

MADNESS AND MORALS: IDEAS ON INSANITY IN THE NINETEENTH CENTURY. Edited by V. SKULTANS. [London: Routledge and Kegan Paul. 1975. 260 pp. No price stated.]

THE bulk of this book is composed of extracts from writings in England in the nineteenth century on the causes and treatment of insanity. The editor, however, also contributes an introduction in which she attempts to identify and explain the main themes in these writings. Insanity, as she points out (p. 2), has always "posed a challenge to man's explanatory powers as well as a threat to his self-image as a rational being." In meeting this challenge the writers on insanity in the nineteenth century differed widely in their views, and this diversity is well represented in this book.

The nineteenth century was in effect a transitional period between the previously dominant religious view of insanity and the eventual dominance of the medical explanation of insanity as "illness." In this period, therefore, as the extracts in this book clearly show, various "moral" views co-existed with a variety of medical views of insanity; and indeed these were sometimes joined (as, for example, where the will of the patient was regarded as capable of controlling the mental disease with which he was afflicted). A separate but related debate was also conducted on the relative importance of "moral" and physical causes of insanity.

The editor, however, fortunately introduces some order into this confusion of views by grouping the extracts under the main themes identified in the introduction. Thus, Part One focuses on the arguments about moral and physical causes, the supposed symptoms of insanity, and the medical treatments used in the early nineteenth century. Part Two, entitled "Psychiatric Romanticism," contains writings on the "moral treatment" of the insane, the importance of the will of the patient in combating insanity, and "moral insanity" (clearly the nineteenth century equivalent to "psychopathic disorder"). Part Three, under the heading of "Psychiatric Darwinism," includes writings from the late nineteenth century mainly emphasising the hereditary basis of insanity, as well as (of particular historical interest to criminologists) several writings putting forward the theory of the "born criminal."

The extracts themselves frequently make fascinating reading. Of special note, perhaps, is the light which is shed on the theoretical background of what now seem cruel and absurd methods of treatment—bleeding, gyrating, blistering, etc. From a criminological viewpoint, however, the major point of interest probably centres on the category of "moral insanity": the writings in this area, concerning the difficulties of diagnosis and of distinguishing "moral insanity" from "wickedness," and the conflicts between doctors and lawyers (especially judges) on these points, clearly show that the more recent arguments about "psychopathy" are by no means new.

The great variety of competing views on insanity in the nineteenth century must almost inevitably make any categorisation somewhat arbitrary and involve some degree of overlapping between categories; but, despite this, the editor has to a large extent successfully accomplished the difficult task of clearly identifying the main themes in the writings. However, two criticisms might be made of the presentation of the extracts. First, there is on two occasions (pp. 182–183 and

185-186, and pp. 189-90 and 192) substantial repetition of the writings of the same author. Secondly, the complete absence of explanatory notes is occasionally a drawback, especially with regard to obsolete medical terminology and methods of treatment (e.g. "pediluvium," "cupping," etc.).

These, however, are minor points. More important are the limitations of the analysis of nineteenth century thinking on insanity presented in the introduction. Although the editor frequently emphasises the connection between the nineteenth century ideas on insanity and the wider social context, this link is never systematically analysed. As a result there is considerable uncertainty as to the nature of this connection. At first (p. 5) the editor's concern seems to be simply to show how ideas on insanity "throw light on" contemporary morality. Later (p. 15) the focus is changed to an emphasis on the active role of psychiatric ideas in contributing "to the prevailing philosophy of individualism." In the last few pages of the introduction (pp. 20-24), however, the editor's orientation changes once again and she attempts to provide an explanation of the changes in psychiatric ideas in the nineteenth century in terms of economic and social changes. This explanation, however, is not taken beyond a very rudimentary level: in particular, the important part played by the rising medical profession, especially from the mid-nineteenth century onwards, in establishing the dominance of the medical view of insanity is almost totally ignored.

Finally, and perhaps most important, although the editor seems to recognise the importance of nineteenth century writings on insanity to an understanding of modern views and methods of treatment of insanity, there is no attempt to explore this link. Indeed, in the conclusion of the introduction, she seems deliberately to turn away from such an analysis: although she recognises that psychiatric thinking "is related to moral outlook and thus forms a part of the total social fabric of society," she suggests that "[t]his connection can be seen more easily in other times and in other societies." "We can afford to be more perceptive about the nineteenth century," she claims, "since their categorisations exert less constraint over us than do our own" (p. 25). The view which is implicit here, that the nineteenth century writings on insanity should be regarded in historical isolation, as in effect no more than historical curiosities, surely unnecessarily and unjustifiably detracts from their value, and indeed from the value of this book: the importance of these writings is precisely that they can help us to understand how and why our present ways of explaining and treating insanity came to be established.

The fact that this book concentrates on presenting, rather than analysing, nineteenth century writings on insanity, therefore, inevitably means that it provokes questions in the reader's mind rather than answers them. This in itself, of course, can be of great value, especially if it stimulates further research. As a first step in throwing light on a relatively obscure and hitherto neglected area, therefore, this book is to be particularly welcomed.

David Ewins

THE POOR OF EIGHTEENTH CENTURY FRANCE 1750-1789. By OLWEN H. HUFTON.
[Clarendon Press: Oxford University Press. 1974. 414 pp. £9.]

HUFTON is concerned, in this exhaustive analysis, to seek an understanding of how the destitute of France (who are roughly estimated as representing at least a third of the general population and a very much higher proportion in some areas) managed to survive in the last years of the *ancien régime*, when the prevailing economic climate brought about the permanent hunger and under-nourishment of large sections of the population, though not the actual starvation of the seventeenth century. It is the author's particular skill that she has been able to capture, in a highly sensitive way, the real experience of poverty and deprivation. Though she concedes that any study of poverty is of necessity predominantly qualitative, she is nonetheless able, by intelligent use of available contemporary documentation, by imaginative insight and even, on occasion, by informed guesswork, to develop a more systematic factual framework within which to present her essentially qualitative description.

That the poor survived in large numbers is in itself remarkable. After assembling an enormous quantity of material, which amply demonstrates the negligible and inconsequential effects of public relief and private charity, and the somewhat greater importance of theft, begging, extortion, prostitution and, particularly, smuggling, Hufton concludes at the very end of her book that, in the final analysis, the poor made out "by their own efforts, devious, ugly, cruel and dishonest as these might be. . . ." Certainly, the latter part of her book, which deals at length with the criminality of the poor, illustrates the brutalising and corrupting effects of poverty. "Poverty," she notes, "is an acid: it corrodes and dissolves human relationships" (p. 114)—a statement which she later supports dramatically in her discussions of child neglect, abandonment and infanticide. Infant mortality, indeed, was so high that Hufton observes that, in some parts of Brittany, "impoverished mothers did not even bother to toilet train their weaker children whose life span was hardly likely to merit the trouble" (p. 331). Her chilling description of the tiny corpses, suffocated by mothers at birth, to be found in the ditches and drains of most towns and villages, or of the 40,000 children abandoned yearly in the final years of the *ancien régime*, ought to engender a certain scepticism amongst those who contend that violence or neglect in our age have reached unprecedented proportions. Of particular interest and significance to readers of this journal is Hufton's treatment of the response to criminality on the part of a fundamentally unsympathetic society. It was simpler, she argues, to introduce measures of control and punishment than to attempt to understand or to alleviate the criminogenic conditions of poverty. The savagery and inequity which characterised so much of the penal process were matched by its ineffectiveness and capriciousness. It was simpler also for a society to make a broad distinction between the deserving and undeserving poor, or as Hufton writes in a typically elegant passage, it was difficult "to reconcile with the concept of poverty as extolled by the evangelists . . . the menacing, filthy, violent figure perhaps with a weapon concealed in his rags and with obscenities constantly upon his lips" (p. 214).

In view of the grim description of the existence which was the lot of the poor in late eighteenth century France, it comes as something of a surprise to note, as Hufton notes in her Postscript, the propensity of the poor for brief interludes of

"almost frenetic gaiety." This is a paradox of life style worthy of more thorough examination in the main body of the book though it is rather neglected by Hufton. Of much greater significance is the location of the poor in the political system which Hufton scarcely touches on, yet this is a subject which requires extensive discussion. The absence of a detailed analysis placing poverty (particularly on the eve of the Revolution) in its political context is a curious omission, even in a largely descriptive study such as this.

These reservations notwithstanding, there can be little doubt that this volume represents a work of true scholarship. For the historian, it will repay detailed attention. The casual reader will, however, be excused for fearing that the price of the book will lead to too close an identification with the book's subject matter.

John Baldwin

DESIGN FOR HUMAN AFFAIRS. By C. M. DEASY. [Cambridge, Mass.: Schenkman. 1974. 183 pp. No price stated.]

THE author is an American architect. The interest for readers of this journal may be found in Deasy's views on the relationship between social science and building design. Having used a sociologist in his own practice he concludes that such collaboration will result in architecture which "will make it possible for individuals to be more effective human beings."

There are two main themes which lead to the conclusion that architects should pay more attention to user needs. Deasy's persistent use of the term "behavioural scientist" gives a clue to the first. One consequence of social inquiry is ultimately to produce a set of law-like propositions about the effect of built environment on behaviour. He says that "(the designer) needs specific criteria (about human nature) and they are not available in handbook form at the present time" (p. 16). The second theme seems to contradict the first. Here the emphasis is "on elevating the needs of users, ordinarily unseen and unknown by the designer, to the level of mandatory design criteria" (p. 13). So, on the one hand, the author appears to accept an engineering approach to design using positivistic propositions, while, on the other, accepting the self-expressed needs and preferences of building users as mandatory.

It was refreshing to find the author apparently ready to burst the bubble of expertise but reading further it turns out that professional autonomy is not being attacked. Indeed the author uses the sociologist as an intermediary between user and professional by applying market research techniques to give design guidance. The main value of social science is to provide research techniques by which "information on human behaviour can be objectively and validly obtained." "The behavioural consultant is not really able to get into high gear until he has a chance to employ some of his most elaborate information gathering procedures" (p. 75).

From a promising beginning this book turns out to be a disappointment. It proposes a partial role for the sociologist and offers little help to those interested in a practical use for sociology in policy-making.

Roy Darke

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CORRESPONDENCE

The Editors,

British Journal of Criminology

In an article under the heading: "Public Opinion and the Death Penalty in South Africa", which appeared in the October 1974 issue of your *Journal*, my friend, Dr James Midgley, makes *inter alia* the following statement: "The annual number of executions has risen steadily and is far higher than in other Western countries" (p. 345). While the article on the whole is a good one, the first part of this statement is incorrect and, in fact, the opposite is true.

From the table (p. 4) and the graph (p. 5) in *Crime, Punishment and Correction* (Vol. 3, No. 3, October, 1974) it can be seen that sentences of the death penalty have decreased from 157 to 79 during the past 10 years. As to actual executions, these have decreased from 93 in 1968 to 47 in 1973. The percentage of those who received capital sentences, who were actually executed, dropped from 56 per cent. in 1968 to 43 per cent. in 1973. At the same time the percentage of death sentences that were commuted increased from 12 per cent. in 1968 to 25 per cent. in 1973 although, as the enclosed table indicates, there was a fluctuation during the past six years.

Dr Midgley makes another statement which may be misleading, namely: "Public opinion in White South Africa does not wish the hangman to become redundant". It should be pointed out that the retentionist view is not confined to Whites. At the recent International Conference on Crime, Law and the Community, Mr G. L. Ndabandaba, a Black lecturer in Criminology at the University of Zululand, stated that most Blacks in South Africa support retention and that, if capital punishment was abolished, they would probably take the law into their own hands. I would also like to refer you to the Minutes of May 24, 1972 session of the (Black) Transkeian Legislative Assembly, which indicate that 69 members voted for the retention of capital punishment, and only 16 voted against it.

Yours faithfully,

R. GRASER,

National Director, N.I.C.R.O., Cape Town.

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CONTENTS

ALAN BRANTHWAITE. Subjective value of information

DAVID FREIDES. Information complexity and cross-modal functions

ANTHONY GALE, GRAHAM SPRATT, BRUCE CHRISTIE AND ADRIAN SMALLBONE. Stimulus complexity, EEG abundance gradients, and detection efficiency in a visual recognition task

MANSUR LALLJEE AND MARK COOK. Anxiety and ritualized speech

ALAN GAULD. A note on inappropriate constancy-scaling and the Müller-Lyer illusion

ANGUS R. H. GELLATLY, AND VERNON H. GREGG. The effects of negative relatedness upon word-picture and word-word comparisons and subsequent recall

D. R. GODDEN AND A. D. BADDELEY. Context-dependent memory in two natural environments: on land and underwater

JOHN J. E. RICHARDSON. Imagery and deep structure in the recall of English normalizations

RUBEN C. GUR AND ERNEST R. HILGARD. Visual imagery and the discrimination of differences between altered pictures simultaneously and successively presented

PETER WALKER. The subliminal perception of movement and the 'suppression' in binocular rivalry

PAUL J. BARBER AND J. PHILIPPE RUSHTON. Experimenter bias and subliminal perception

ARIE W. KRUNGLANSKI. Context, meaning and the validity of results in psychological research

D. G. BOYLE. Research note: a new technique for studying phenomenal causality

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PSYCHIATRIC SERVICES AND THE MAGISTRATES' AND JUVENILE COURTS *

An Analysis of the Views of Probation Officers and Magistrates

HERSCHEL PRINS (*Leicester*) †

A NUMBER of writers (including sentencers, both professional and lay) have commented upon what help they consider a psychiatrist can give to a court and what his report should contain. Coddington (1950), writing on the criteria for remands for psychiatric reports, suggested that these would include "any odd, or disinterested behaviour of the defendant, charges of sexual offences, of petty thefts of useless articles, or repeated thefts of the same article, or from a multiple store; a sudden outbreak of a series of similar offences after a blameless life, offences committed in circumstances where they would certainly be detected, or otherwise involving a risk out of all proportion to the expected gain, and finally a record of ill-health, or nervous breakdown or of serious family discord. . . ." Page (1948) stressed the need for the psychiatrist to be an independent witness and not to take sides, and Henriques (1951) expected the psychiatrist to take "the trouble to find out exactly the powers of the court and the kind of information required. . . ." Fox (1952), in an over-view of the examination of offenders by the courts, stated that the "general aim is to provide the judge with data that will help him (i) determine responsibility . . . ; (ii) to give full weight both to the more obvious motives behind the crime, and to those hidden in the mind of the offender; (iii) to determine the most appropriate sentence and to appreciate the medical, social and psychological issues

* Shortened version of a prize-winning entry in a Mental Health Research Fund Essay Competition' 1973. This study would not have been possible without the willing co-operation of the Clerk to the Justices, the Probation and After-Care Service, the Magistrates' Courts Committee, the magistrates and the Chief Constable of the city in question.

† Senior Lecturer, School of Social Work, University of Leicester.

affecting all therapeutic measures influenced by his decision. . . ." A similar (and more recent) view was expressed in the Report of the Streatfeild Committee (H.M.S.O., 1961). Sparks (1966), in his study of three metropolitan courts, concluded that the proportion of offenders remanded for psychiatric reports varied according to the policies and views of *individual* magistrates. (For an interesting account of the influence of training on magisterial attitudes and sentencing policies, see the recent paper by Lemon (1974) in this *Journal*.) Sparks gave consideration to the criteria to be used by magistrates as first "diagnosers" and reached conclusions broadly similar to those of Coddington.

Psychiatrists and allied workers have also made their views known on this subject. Kennedy (1948) stressed the need for the psychiatrist's view to be easily understood by the court. "Any view that cannot be put into plain English is quite likely not to be a sound one. . . ." Neustatter (1967) agreed with the judicial view that independence was of primary importance, and both Andry (1964) and Ratcliffe (1951), in discussing the importance of a "team" approach, have stressed some of the problems of achieving this in a penal and/or judicial setting. Scott (1953) has summed up the needs of both sides very well. "The psychiatrist's report to the court should be clearly understandable, accurate, logical, modest, and appearing to be made by a physician, and therefore by one who is impartial and genuinely concerned with the welfare of the offender. . . ." In a more recent paper (Scott, 1960) he makes the interesting and somewhat controversial suggestion that the psychiatrist may not necessarily be the best man for the job of making this kind of investigation, since in not more than 17 per cent. of cases can a classical psychiatric diagnosis be given.

Most views about psychiatric services seem to have been expressed by a small number of individual sentencers and a slightly larger number of professionals working in the field of psychiatry. (See also: A.P.T.O., 1971; West, 1971; Dell and Gibbens, 1971; Kolvin and Ounsted, 1968a and b; Tennent, 1971; Woodside, 1971.) As far as can be ascertained, no attempt has been made previously to seek the views of probation officers and magistrates in any systematic and collective manner. The study now to be reported upon constitutes such an attempt.

I. THE PROBATION OFFICERS

Procedure

In December 1969 a preliminary discussion took place with the Principal Probation Officer of a city in the North of England. The plan of the research and the reasons for wishing to obtain the views of the probation officers were outlined. Subsequently, a meeting took place with a number of the probation officers at which the present writer discussed the aims of the study. In December 1969 questionnaires were circulated to all the probation staff (these were not actually given to the officers until January 1970) and were subsequently returned via the Principal Probation Officer in sealed envelopes. At the writer's request non-respondents were given two reminders by the

Principal Probation Officer. By the end of February 1970 the remainder of the completed questionnaires were received.

Materials

All 26 members of the probation service were circularised with the questionnaire and 20 responded (response rate, 78 per cent.).

In the following analysis of the figures one questionnaire has been omitted since the officer, due to lack of experience, did not feel he could complete it.

Status of respondents: Principal Probation Officer, 1; senior probation officers, 4; probation officers, 15 (respondents $N = 20$). One senior probation officer (of considerable experience) was a non-respondent, and five basic grade probation officers were non-respondents. (One of these was a part-time female officer and an experienced direct entrant to the service; the backgrounds of the others are not known.) Of the 20 who returned the questionnaires, 17 were men and 3 were women.

It is more convenient to deal with the descriptive detail concerning the officers (Part B of the questionnaire) first.

Descriptive Detail Concerning Respondents

(i) *Length of service*

	> 1 year	1 year	2 years	3 years	4 years	5 years	Over 5 years
	5	2	3	Nil	1	2	6*
	Respondents $N = 19^\dagger$						

(ii) *Basic qualifications of officers*

The sample contains a high proportion of "pre-service" trained officers; 16 officers had taken either a university or Home Office (specialised) pre-service training, and three had qualified after direct entry on special "direct entrant" courses.

(iii) *Further training*

Nine out of the 19 respondents had taken some kind of further training (e.g. tutor officers' courses, refresher courses, evening seminars, etc.).

(iv) *Membership of professional organisations*

Thirteen of the respondents belonged to some kind of professional organisation, mainly the National Association of Probation Officers.

(v) *Previous employment prior to taking up probation work*

Unstated	2
Teaching	3
None	3
Church, youth work, and allied	7

* The "Over 5 year" group included one officer (the P.P.O.) with *over 10 years'* service and two senior officers with 10 years' service.

† Although the information obtained from the nineteen officers cannot be said to be representative of the Department as a whole, it is of interest to note the proportion of officers with *under three years' service* (over 50 per cent.)

HERSCHEL PRINS

Full-time voluntary work (<i>e.g.</i> V.S.O.)	1
Residential work	1
Colonial (police) service	1
Nursing	1

Respondents N = 19

Comment. Allowing for the fact that the figures are based on the replies of only 19 out of a total staff complement of 26, it would appear that this particular probation service was a well qualified one, and compares favourably with many others. Comment has already been made on the fact that it has a high percentage of officers with under 3 years' service, but this is not un-typical of the service as a whole. The backgrounds from which the officers came prior to joining the service are considered to be fairly typical. (These impressions are based on the writer's own experience in both the probation service and subsequently in the Home Office Probation Inspectorate).

Part 'A' of the Questionnaire

Note: In a number of sections, the total number of answers considerably exceeds the number of respondents since officers gave multiple answers in most sections.

Types of offences in which officers would suggest that the court seek a psychiatric opinion

Sexual*	19
Drugs	9
Wanton damage to property†	5
Arson	8
Shoplifting	2
Repeated or single offences with no clear motivation	7
Violence‡	8
Theft of unusual items	2
Persistent drinking (alcoholism)	3
Neglect of and cruelty to children	1
Breaches of the peace	
(peeping Tom, obscene 'phone calls)	1
Taking and driving away (under-25 age group)	1

Respondents N = 19

*Various types specified (*e.g.* offences with children, indecent exposure, indecency with adolescents, incest). In their replies to this section, two officers referred to *the circumstances of the offence* as indicators for psychiatric opinion *rather than the offence itself*. One of these was a very experienced senior officer, and the other was young, university trained, and in his first year of service.

† One respondent referred specifically to wilful damage to windows. (See Prewer, 1959, for an interesting discussion of the motivations for this offence.)

‡ Serious or persistent violence towards family members, or apparently motiveless.

Comment. The answers given by the officers in this section confirm previously held impressions that offences of a sexual, aggressive or addictive nature (drugs) are likely to be those in which a probation officer will suggest a

PSYCHIATRIC SERVICES AND THE MAGISTRATES' AND JUVENILE COURTS

psychiatric report. It is a little surprising that more officers do not regard offences with no clear motivation, thefts of unusual items, persistent drinking, or neglect of and cruelty to children as requiring further investigation.

Factors other than the nature of the offence that would lead an officer to suggest a psychiatric opinion

Strange behaviour in court or at interview	5
Evidence of tensions within the home, faulty family relations	5
Erratic conduct, or conduct out of keeping with previous behaviour (e.g. at school or at work)	10
Physical abnormality or illness	3
History of mental illness in defendant, or in family background*	17
Intangible factors	2
Second opinion	1

Respondents N = 19

* Including low intelligence, autism, alcoholism.

Comment. It seems clear that officers tend to see the need for a psychiatric opinion most clearly in cases where there is already some psychiatric history (i.e. they see this as the psychiatrist's particular sphere of expertise.) They seem less likely to suggest that his opinion be sought in cases where the offender's behaviour appears to be odd, but over 50 per cent. of the officers regard erratic conduct or conduct out of keeping with the previous behaviour as important and requiring further opinion.

Officers' Opinions Concerning Satisfaction or Otherwise with the Services Available

	Yes	No	Not answered or no comment
(i) Are you satisfied with the reports you receive?	8		
(ii) Would you prefer more detailed reports?	11	6	2
(iii) Would you prefer shorter reports?	2	9	8
(iv) Other observations			
Generally helpful			2
Helpfulness depends upon who writes the reports *			2
Too often a re-hash of P.O.'s own report			4
Insufficient experience to answer fully			2
Attitudes of psychiatrists inconsistent			1
More guidance needed as to relevance of symptoms and of casework approaches that can be made to the offender †			4
Probation officer's information not taken enough cognisance of			2

Respondents N = 19

* Implying that the reports from psychiatrists were more helpful than those from the prison.

† Implying that reports were of more help to the court than to the individual officer, and implying a need for the psychiatrist to act as a casework consultant.

- (v) Should the psychiatrist make a firm recommendation to the Court?
Yes: 15. No: 4.

Notes. Officers made several additional comments which are of interest when answering this question. Four officers thought that the psychiatrist should make a firm recommendation if his disposal was a realistic one and if his conclusion was firm. One officer thought that reports were used too frequently as defence material by solicitors; another officer considered that in making a firm recommendation the psychiatrist should only do so *in respect of psychiatric treatment*; concerning other forms of disposal, his recommendations should be tentative.

- (vi) What major considerations do officers have in mind in suggesting a remand for a report to be in custody or on bail (in-patient or out-patient)?

Likelihood of further offences occurring, nature of offence, or need for immediate control of behaviour	16
Nature of mental illness	4
Period in hospital often allows fuller assessment to be made	4
Home background (family situation, no fixed abode, contact with criminal influences)	13
Adverse effect of penal institution during the remand process	1
Likelihood of appointments being kept, degree of co-operation anticipated, no danger to the public	11
Likelihood of long-term in-patient being recommended or person already having treatment	8
Probation officer has little influence upon the type of remand	1
Risk to client	1

Respondents N = 19

Inferences. Clearly such factors as the likelihood of further offences being committed and absence of family ties and responsibilities influence the thinking of officers in suggesting remands in custody for reports; the likelihood of co-operation, or of long-term treatment being required, influences their thinking concerning remands for reports on bail. Only four officers commented upon the fact that better facilities for fuller assessments could be made in hospital. Possible risks of contamination by the experience of remand in custody were not thought of as having any great significance. Impressions that the officers were generally satisfied with the arrangements for obtaining reports in custody are confirmed in part by their answers to the following questions:

- (vii) Would officers prefer to have more facilities available for psychiatric reports to be obtained on bail?

(a) <i>In the juvenile court</i>		(b) <i>In the adult court</i>	
Yes	3	Yes	2
No	14 (2 did not reply to this question)	No	14 (3 did not reply to this question)

Respondents N = 19

These answers are somewhat surprising in view of the comments that probation officers make from time to time about the value of having children and young people seen at child guidance clinics. No doubt the fact that there is often a long queue for diagnosis and subsequent treatment and also the fact that not all psychiatrists care to work with offenders are relevant here. This tends to lend support to the view of some authorities that where specialist forensic psychiatric clinics are made available they are to be preferred. (See for example Wardrop, 1967; Western Regional Hospital Board, 1969; Atcheson and Williams, 1956; Russell, 1969. for further discussion of the value of specialist forensic psychiatric clinics.)

(viii) Were officers satisfied with the provisions available for the care and treatment of the mentally abnormal offender under:

(a) *The Mental Health Act Part V?*

Yes	12
No	2
Insufficient knowledge or not answered	5

(b) *The Criminal Justice Act, 1948, Section 4?*

Yes	13
No	2
Insufficient knowledge or no comment	4

Respondents N = 19

(ix) Officers were also asked to comment on any improvements they would like to see. Four officers considered that there should be more specialised units and half-way houses for the inadequate; two suggested a need for a better dialogue between doctors and social workers; and two considered that psychiatrists tended to give up too readily!

Comment. The answers in this section again tend to confirm the impression that the probation officers are reasonably well satisfied, both with the service they are receiving, and with the provisions of the Acts. (See, however, Rollin, 1969; Woolf, 1966; and, more recently, Whitehead and Ahmad, 1970, for comments on some of the anomalies and loopholes in current legislation and provision.)

(x) What factors did officers feel the court should take into account in deciding as between section 60 of the Mental Health Act and section 4 of the Criminal Justice Act?

(a) Relationship between severity of mental illness, home conditions etc. and fitness to live in community over a longer or shorter period	8
(b) Need for greater protection of the public, or for compulsion afforded by section 60	6
(c) Need to take note of general suitability for probation in addition to suitability for section 4	9
(d) Should depend upon the view of the psychiatrist	5

Respondents N = 19

Comment. The probation officers seemed less concerned with questions of public safety and more with the degree of likely co-operation and general suitability for probation in determining the respective uses of section 4 and section 60. Only four suggested that it should depend upon the view of the psychiatrist.

The Probation Officers' Opinions about Psychiatric Services and the Actual Practice of the Adult and Juvenile Courts

In another study, not reported upon here, it appeared that, in the adult court, the probation officers were the initiators of the recommendations for psychiatric reports in about a third of the cases. In the juvenile court, they were the initiators of recommendations for reports in almost all cases. Their opinions as to the advisability of obtaining such reports appear, therefore, to carry considerable weight in the juvenile court and, to a lesser extent, in the adult court. If this is the case, it is reasonable to examine to what extent their views as to the desirability of remands for psychiatric investigation for certain offences, as expressed on page 318, are reflected in the *actual practice* of the courts.

TABLE I
Selected Offences

Officers' views Would recommend report	Cases actually remanded for reports		Total number of offenders before court	
	Adult court	Juvenile court	Adult court	Juvenile court
<i>For sexual offences</i> 19 officers	3	1	32	13
<i>For drug offences</i> 9 officers	4	—	31	—
<i>For violence (assault)</i> 8 officers	—	3	—	12
<i>For shoplifting</i> 2 officers	2	—*	330	—

* Not separately classified in the juvenile court figures.

Discussion

Care should be taken in drawing any firm conclusions from such a small sample of opinions and cases, but it seems that the views of the probation officers concerning the need for psychiatric opinion in cases involving sexual offences are not reflected in the actual practice of the courts. Making allowance for the fact that only just under 50 per cent. of the officers thought that reports were desirable in cases where drugs were involved, the actual practice of the courts barely reflects this. The practice in cases where violence is involved is also of interest. Although only eight officers considered that psychiatric opinion was desirable in cases involving violence, the practice of the courts is interesting in that in 25 per cent. of cases in the juvenile court psychiatric reports were obtained. There were no comparable cases for the adult court, but, of the four recorded cases of ill-treatment of a child, one was remanded for reports, yet only one officer considered that there was a need for reports in such cases.

Clearly, it would seem that the views of the magistrates are of importance here, but direct inspection of this will not give the whole answer since this

study makes no attempt to show the subtle ways in which magistrates may be influenced by the intangible factors involved, such as the irrational feelings aroused in them by the man or woman in the dock before them in their decisions to remand for psychiatric reports.

Use of bail or custody respectively for reports

It has been shown in section (vii) above that, in relation to the juvenile court, the majority of officers are in favour of reports being obtained in custody. The officers were of similar opinion concerning the use of custody in the adult court. (This view, however, was not entirely supported by the practice in these courts since 50 per cent. of offenders were remanded on bail for reports.)

Views of probation officers concerning provisions of Mental Health Act 1959, Pt. V and Criminal Justice Act 1948, s. 4

Section (viii) shows that the majority of probation officers appear to be satisfied with the provisions of these Acts. Since, in the case of orders made under the Criminal Justice Act, they have to share responsibility for the offender with the psychiatrist, we may assume, not unreasonably, that their feelings about the workability of this legislation could well influence the magistrates in reaching their decisions on disposal.¹ This assumption was reflected in the high level of agreement of the courts (both adult and juvenile) with the recommendations of the psychiatrists (over 95 per cent. in both). Despite this, however, the over-all percentage of cases in which reports were actually asked for in both the adult and juvenile courts was very small indeed (2·2 and 4·2 per cent. respectively); it may be that the views of the magistrates over-ride the views of their professional advisers (the probation officers). The opinions of the magistrates are therefore considered in the next section.

II. THE MAGISTRATES

Procedure

With the co-operation of the magistrates' clerk, and with the approval of the chairman of the bench and of the Magistrates' Courts Committee, all members on the active list of the bench were circularised with a questionnaire (similar in almost all respects to that sent to the members of the probation service). This was sent out early in January 1970 by the clerk to the court and two reminders were given by him to those magistrates who had not sent in replies by early March 1970. The magistrates were provided with pre-paid envelopes for the return of the questionnaire to the investigator direct. It can of course be argued that the "open-ended" form in which the questions were addressed to *both* probation officers and magistrates did not lend itself well to statistical analysis and interpretation. Though there is much truth in this argument, the main objective in the use of open-ended questions was to solicit opinion and, by implication, attitudes.

¹ See, in particular, (c) in section (x).

Materials

All 105 active members of the bench ^a were circularised with the questionnaire. Forty-one replies were received (including those from three magistrates who preferred to remain anonymous). This gives a response rate of 39 per cent. This is poor, admittedly, but magistrates are probably not accustomed to receiving such questionnaires and are likely to be very busy people. After discussion with the clerk to the court, it was not considered judicious to pursue the question of non-response any further. However, some small attempt has been made to look at the responders and the non-responders and make one or two comparisons. (See Tables 4 and 5.)

Part "B" of the Questionnaire

<i>Sex distribution (sample)</i>		<i>Sex distribution (total bench)</i>	
Males	25	Males	68
Females	13	Females	37
Anon	3		

<i>Years of service on bench</i>				5-10		
1 year	2 years	3 years +	years	10+	15+	20+
3*	1	8	18	4	4	3†

Not stated, 1

* includes two new magistrates.

† 21 years.

Respondents N = 41

*Courses attended**

Lectures and day courses	30 (75 per cent.)
Correspondence course	1 (by a magistrate appointed before courses became customary)
No course	10 (25 per cent.)†
Numbers who had attended more than one course (<i>e.g.</i> in consecutive years)	20 (50 per cent. approx.)

* Interpreted variously by the respondents as lectures, day courses, week-end schools, visits of observation etc.

† Of the 25 per cent. who had not attended any course, two were very newly appointed magistrates; one had 16 years' service, one had 14, two had 10, one had 9, one had 7, one had 5 and one had 3. (N = 10.)

Of the 41 respondents, three magistrates added personal memoranda to their answers to the questionnaire, and, additionally, one magistrate completed the questionnaire in considerable detail. *These four magistrates were all very experienced.*

^a This excludes those on the "supplementary" list.

*Part "A" of the Questionnaire**Types of offence in which the magistrates would seek a psychiatric opinion*

Sexual*	28
Drugs	14
Wanton damage to property†	6
Shoplifting ‡	13
Offences out of keeping with previous conduct	2
Violence	6
Habitual drunkenness	2
First-time theft	1
Offences against relatives or family	1
Obvious police haters	1
Persistent (habitual) offenders	13
Stealing or pilfering	3
Breach of probation	1
Gambling §	1
Taking and driving away	4
Infanticide	1
Cruelty to children	3

Respondents N = 38³

* This description included indecent exposure, incestuous behaviour, assaults on young children, gross indecency, indecent assault, rape, "Peeping Tom."

† Including two references to arson.

‡ Several magistrates stressed the importance of frequent apparently irrational offences.

§ Two magistrates suggested the "compulsive" nature of this kind of offence.

Some comparisons with the views of the probation officers

No detailed comparison is possible, but some general trends emerge. Proportionately *fewer* magistrates considered that sexual offences should be referred for psychiatric examination, and *fewer* felt that drug offences also required this attention. Many *more* magistrates than probation officers considered that shoplifting deserved the attentions of psychiatric inquiry, and one wondered whether "middle-class" attitudes were influential here. Conversely, there was a slightly larger proportion of magistrates who considered that cruelty to children, and taking and driving away, warranted further inquiry. There is some slight evidence to suggest that the magistrates, compared with the probation officers, were probably more concerned to seek psychiatric help in cases where the protection of the public was involved, *e.g.* cases of "persistent offending" (*not mentioned by the probation officers*, "obvious police haters" and "breach of probation." Against this feeling, however, must be set the fact that a small number of magistrates saw the significance of "compulsiveness" in certain types of offenders. Over-all, the differences, such as they are, would seem to reflect expected differences in interpretation of role and the effect of professional training.

³ Two magistrates did not answer the questionnaire indicating lack of knowledge, due to recent appointment to the bench. One other magistrate stated that a magistrate could recognise a mental disorder without the help of a psychiatrist!

Factors other than the nature of the offence which would lead the magistrates to ask for a psychiatric opinion

Appearance, demeanour and attitude in court	13
Previous offences of the same type	7
Offences out of character with previous conduct*	15
Contemplation of removal from home or concern about apparent ineffectiveness of previous treatment ordered by the court	6
Previous medical/mental history	23
Age of offender	3
Stressful circumstances at the time	1
Views of defending counsel†	1
Unable to generalise	1

N = 38 (See footnote ³)

* One or two magistrates referred to such indicators as inexplicable behaviour or possible "pleas for help."

† "Where one can trust to the good sense of counsel," as one magistrate put it.

Comparisons with the views of the probation officers

Proportionately, slightly *more* magistrates regarded the demeanour of the offender in court as important, which probably reflects the way in which they are able to see the case "as a whole" and to observe rather more objectively the demeanour of the offender as the case is unfolded before them. The probation officers are probably more likely to see the importance of early history and the personal and dynamic aspects of the offender's past and present behaviour. This last supposition seems supported by the fact that *fewer* magistrates saw the previous history of the offender as important (though the number is still high), and *fewer* considered that offences out of keeping with previous behaviour were of significance. Whereas *no* probation officers indicated that psychiatric advice might be advantageous at a point when a decision to remove from home might have to be made, six magistrates did so. Although the number is small, it is an interesting indication of the manner in which magistrates may have difficulties in making these important decisions in the lives of offenders. As with the comparisons made concerning types of offence, the comparisons in this section probably further reflect differences in perceived roles and training.

*Use of Bail, Custody, etc.**

	<i>Yes</i>	<i>No</i>
Preference for more detailed reports	15	21
Preference for a firm recommendation	26	10

* Three non-respondents to these questions.

In indicating their preference, one or two magistrates made additional comments; for example: "jargon should be avoided where possible"; "concise factual information is required"; "recommendations should be on medical lines only"; "psychiatrists should make firm recommendations only if the bench retains the final decision."

Comparison with probation officers' replies

Fewer magistrates than probation officers wanted more detailed reports, which is not surprising. Even so, the number who did want more detailed reports is quite high. Whereas almost all the probation officers preferred the psychiatrist to make a firm recommendation, only about three-quarters of the magistrates did so. Even so, the numbers seem large enough to give a fairly clear indication that the magistrates seek direct guidance to aid them in the decision-making process and confirms other impressions in this respect.

TABLE 2

*Preference for Reports Being Obtained Either in Custody or on Bail **

	<i>Yes</i>	<i>No</i>
Preference for remand to be to the prison, or remand centre	9	15
Preference for remand on bail as an in-patient	20	5
Preference for remand on bail as an out-patient	14	8

* From the replies it became obvious that the magistrates found this question difficult to answer in the terms in which it had been put, 14 of them indicating that it depended on the circumstances of the case or the nature of the offence.

There were three non-respondents.

It is apparent that the magistrates are not wholly satisfied with remands to prison establishments for reports. The reasons for this are not clear, though several magistrates in their replies to another section made the point that better facilities were often available in hospital. The fact that 20 preferred remands on bail as an *in-patient* probably indicates that the magistrates wish both for the protection of the public during the remand period, combined with the better facilities they consider can be provided in a hospital situation. (These impressions are confirmed by the actual practice in the adult court where remands on bail exceeded those in custody.)

*What considerations do the magistrates have in mind in deciding whether a remand for psychiatric reports should be in custody or on bail?**

Past record, whether persistent offender, nature and seriousness of offence	17
Safety of public, safety of offender himself, degree of anticipated co-operation, risk of absconding	27
Background and family ties (<i>e.g.</i> stability of employment)	7
Education, intelligence, age	2
Whether or not ultimate order will be custodial	1
Danger of loss of job if in custody	1
Whether or not better facilities are available in hospital for observation; danger of contamination in prison	5
Physical/mental condition	1
Could not generalise	1

Respondents N = 36

* Five non-respondents in this section.

Not surprisingly, the question of public safety appears to loom large in the minds of the magistrates, but about 5 per cent. of those who referred to public safety *also referred to the safety of the offender during the remand period*. The considerations as advanced by the magistrates are much in line with those given by the probation officers. (See (vi), page 320.)

A larger percentage of probation officers considered that family ties etc. were of importance as criteria, and the probation officers seemed more concerned with the likelihood of co-operation, or likelihood of continued treatment following the remand. It is not possible, in any of these sections, to make precise comparisons since both the probation officers and the magistrates were asked to give *their views*, and were not asked to answer *specific questions*.

*What improvements would magistrates like to see in relation to examination on bail?**

More specialised security units at hospitals	7
Speeding up of facilities (e.g. C.G. clinics)	13
Better facilities for dealing with specialist problems (e.g. alcoholism and prostitution)	1
Better liaison between the services, pooling of information	4
Services thought to be adequate	6

Respondents N = 33

* Eight non-respondents in this section; four of these stated they had insufficient experience to be able to comment.

Given such improvements, the magistrates were asked whether they would then prefer to have more reports on bail in the juvenile and adult courts.*

<i>Juvenile Court†</i>		<i>Adult Court</i>	
<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
21	4	27	8

* Six were non-respondents to both sets of questions.

† 10 were non-respondents to the question concerning improvements in facilities for the juvenile court as they were not juvenile court magistrates.

The answers to these questions (bearing in mind that they were "loaded" because the answers were contingent upon improvement in facilities being available) again confirm the magistrates' preferences for remands on bail where possible. These preferences are in contrast to those of the probation officers (see (vii), page 320), who preferred remands in custody. This may well be because the probation officers were not asked as specifically as were the magistrates for the improvements they would like to see. Despite the methodological weakness referred to, the difference may well be accounted for by the fact that the probation officers have *first-hand knowledge* of out-patient clinical facilities, the difficulties of getting cases seen, waiting list and the problems of getting offenders on bail or under treatment to attend for interviews and, more important, to keep subsequent appointments.

Were magistrates satisfied with the working of the provisions of the Criminal Justice Act, s. 4 and the Mental Health Act, Pt. V?

Yes, 28; No, 7.

(Three non-responses and three non-respondents)

The comments of those who expressed lack of satisfaction with the provisions included reference to:

- (a) lack of security provisions;
- (b) need for better facilities for psychiatric treatment within the prisons;
- (c) more hostel and half-way accommodation for the mentally disordered offender.

Comparisons with the replies of the probation officers

73 per cent. of those magistrates who replied to the question expressed satisfaction with the services. Approximately 86 per cent. of the probation officers who answered the question were satisfied with the provisions of both acts. (See (viii), page 321.) The probation officers were also asked what improvements they would like to see, and these are very similar to those given by the magistrates (above).

TABLE 3

Comparison of magistrates' and probation officers' † opinions about psychiatric services and the actual practice of the juvenile and adult courts in a selected group of offences (1.10.68–30.9.69)

Magistrates' views* P.O.'s † (Would ask for reports)	Cases actually remanded for reports		Total number of offenders before court	
	Adult	Juvenile	Adult	Juvenile
Sexual	28	19	3	1
Drugs	14	9	4	—
Violence	6	8	—	3
(assault)	13	2	2	§
Shoplifting			330	§

* 38 respondents.

† 19 respondents.

‡ See Table 1. See also comments for more detailed comparisons of these differences.

§ Not separately classified in the juvenile court figures.

The Responders and the Non-Responders

It was not possible to obtain detailed information concerning the magistrates who did *not* return the questionnaire, but with the help of information supplied by the clerk to the court some limited comparisons could be made. These are recorded in the following Tables.

TABLE 4

Years of service on bench

Responders (N = 41)

1 year 3*	2 years 1	3 years + 8	5-10 years 18	10 + 4	15 + 4	20 + 3†
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Non-Responders (N = 64)‡

1 year 9	2 years Nil	3 years and over 22	5-10 years 22	10-20 years 7	20 + 4
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* Includes two new magistrates.

Not stated, 1. † 21 years.

‡ 41 males, 23 females.

TABLE 5
Courses attended

	Responders	Non-responders
Lectures, day courses etc.	30 (75 per cent.)	30
No courses	10 (25 per cent.)	35
	N = 105	

46 per cent. of the non-responding magistrates have attended a course compared with 75 percent of the responders.

Comments. The clerk to the court gave the information concerning the non-responders on the understanding that it would not be possible to identify individuals or the court area. Such a legitimate and understandable concern highlights a serious research problem in this field, namely that of obtaining information from people who may feel themselves to be privileged yet vulnerable. There is a natural reluctance to reveal information which is felt to be threatening to both role and status.

Discussion and Summary

In order to obtain opinions of psychiatric advice and services, members of the probation service and all active members of the bench in a Northern city were circularised with a questionnaire. The response rates were 78 per cent. and 39 per cent. respectively. This latter rate was considered to be very low, and it highlights the problem of obtaining information from non-professionals placed in positions of some "authority" over their fellows. Views of the probation officers and magistrates were contrasted and compared where possible, and are summarised briefly as follows:

(i) Whereas the probation officers tended to suggest that the court seek a psychiatric opinion in cases where the defendant had a known psychiatric history, the magistrates appeared to regard appearance and demeanour in court as being of more importance as criteria for remands.

(ii) Both groups considered that sex offenders and those involved in drug abuse should be investigated psychiatrically, *but these views are not reflected in the actual practice of the courts.* (It could be, however, that decisions *not* to remand for psychiatric enquiries were made by the magistrates who did *not* answer the questionnaire.)

(iii) A higher percentage of magistrates considered that shoplifting offences merited psychiatric enquiry and it was thought that perhaps class attitudes were relevant in this context. Although the magistrates as a group did not appear to pay as much attention to psychiatric history as did the probation officers, one or two of them considered that apparent compulsive behaviour in offenders merited further investigation.

(iv) Over-all, the magistrates' answers indicated a greater (but perhaps understandable) degree of concern for public safety than did those of the probation officers.

(v) A considerable number of magistrates indicated that they welcomed psychiatric help in difficult decisions concerning removal from home.

(vi) A larger number of the magistrates than anticipated appeared to

welcome a firm recommendation by the psychiatrist; this again supports the point made in (v) above, that they appear to require help with the problem of decision-making.

(vii) A larger number of the magistrates than anticipated appeared dissatisfied with facilities for remand for reports in custody *to the prison*, and of the two provisions for reports to be obtained on bail—*out-patient* and *in-patient*, they much preferred the latter.

(viii) The probation officers were understandably more concerned with the degree of co-operation they could anticipate from the offender during treatment than were the magistrates.

(ix) Rather surprisingly, a larger percentage (86 per cent.) of the probation officers were satisfied with the service provided compared with the magistrates (73 per cent.). Both groups suggested, however, that more *special and security units* were required, and that a speeding-up of the examination process was also necessary.

In general, the results tend to reflect the differences between the two groups in respect of perceived role and status. In particular the results have implications for the training of magistrates in respect of their expectations of what help a psychiatrist can provide in the difficult process of decision-making.

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CHILDREN'S HEARINGS: A RETROSPECT

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THE Scottish system of children's hearings for children under 16 who are delinquent or in need of care and protection was established by the Social Work (Scotland) Act 1968. Its progenitor was the Kilbrandon Committee's Report on Children and Young Persons¹ published in 1964.

The 1968 Act provided that children's panels should be formed in every local authority area. These are panels of laymen whose selection, and subsequent training, is the responsibility of local Children's Panel Advisory Committees (Haldane, 1971) but whose appointment rests with the Secretary of State for Scotland. A children's hearing consists of three members of this panel sitting together to discuss, with the child and the parents and the social worker, what measures of care, if any, are appropriate for the children brought before them by the reporter to the panel. It is not part of the hearing's function to adjudicate on facts. If the child, or the parents, dispute the grounds on which the referral has been made by the reporter, the issue is referred to the Sheriff. Thus the system effectively separates the two categories of decision, one of which relates to the facts of the case and the other to the measures of care required when the facts have been substantiated.

The new system came into operation in April 1971 and has thus been functioning for a little over four years already. The man in the street remains, however, in the words used by Lord Kilbrandon (1968) in this *Journal*, "quite unprepared for an extension of humanitarian or even experimental remedies in the face of what he regards as a growing social menace." Although most panel members, reporters, social workers and others who see the system at first hand are impressed by its potentialities, there is still insufficient information available to the man in the street to effect change in his attitude.

Research into the work of the hearings is being undertaken, but is limited in its scope. Statistics are being collected by the Social Work Services Group but delays in securing reliable figures have tended to hold back publication. Consequently it is impossible as yet to provide a well-documented account of the way the system is developing. In the meantime, however, several conscientious interim reports have been prepared and given local circulation.² Since reliable information is still so scarce, it may be considered useful to present some of the facts which emerge from an analysis of the 210 hearings attended by the author as a member of the Edinburgh children's panel for two years from April 1971.

The material about each hearing which was systematically collected and on which the analysis is based included the following factors:

1. the age of the child and his parents;
2. the address of the family;

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¹ Report on Children and Young Persons, Scotland. H.M.S.O. Cmnd. 2306. 1964.

² Morris *et al.* (1973); Fife County Council (1973); Scottish Labour Women's Advisory Council (1974).

3. the size and composition of the family;
4. the employment and the religion of the parents;
5. the grounds on which the family were brought to the hearing;
6. the previous record of the child's appearances before hearings or courts;
7. comments or recommendations made in the background report of the social worker;
8. comments made in the report from the school;
9. list of all people present at the hearing;
10. views expressed by anybody present on the course of action which should be pursued;
11. views expressed by anybody present on the aetiology of the problem;
12. the decision taken by the members of the hearing;
13. the reasons stated for this decision.

The Sample

When this material was examined in retrospect and compared with the statistics available in official publications³ and in interim reports (Morris, 1973; Fife County Council, 1973), it was found that the sample of 157 families appeared to be representative of the total population appearing before hearings in terms of the size of the families, the proportion of broken families, the number of unemployed fathers and the number of parents who attended. The proportion of girls in the present sample (26 per cent.) was conspicuously larger than the national figure for 1971 (8 per cent.),³ but was comparable with the figure for Edinburgh reported in the interim report already referred to (Morris *et al.*, 1973), which was 22 per cent. It would seem likely that the number of girls brought to hearings is greatly influenced by the attitudes of the local police and social workers towards the need for care and protection of adolescent girls who are rebelling against their parents.

The age distribution of the sample is shown in the following table:

<i>Age in years</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
< 8	2	0	2
8	1	0	1
9	1	1	2
10	5	0	5
11	7	1	8
12	13	0	13
13	16	5	21
14	26	4	30
15	36	15	51
16	13	6	19
17	4	1	5
	124	33	157

The normal limit to the jurisdiction of the hearings is the age of 16. In the case of young persons who are already under a supervision requirement, however, the jurisdiction of the hearings is extended up to the age of 18.

³ Social Work Services Group (1973); Scottish Social Work Statistics 1971, H.M.S.O.; Social Work in Scotland in 1972, Cmnd. 5337.

In Edinburgh hearings are arranged routinely on four mornings, four afternoons and four evenings a week. The panel members are selected (three for each hearing) for these sessions quarterly in advance. Families are summoned to appear by an official known as the reporter, whose responsibility it is to receive referrals from the police, from social workers, from schools and other sources and to decide which children to report to a children's hearing. Each family summoned to appear is given an appointment, the time of day being selected as far as possible to suit the convenience of the parents. It would not be impossible for a reporter to make an appointment for a family with an eye on the list of panel members due to attend (For a review hearing, he will do this deliberately in order to ensure continuity.) For a family coming to a hearing for the first time he has no reason to influence the routine process in this way; with the exception of review hearings, therefore, the families which each panel member sees comprise a random sample.

The system for drawing up the rota of hearing members currently in use in Edinburgh ensures a constant reshuffling of the three members sitting together. This militates against the hardening of attitudes and the appearance of triads with a special reputation for toughness, leniency, frankness, tact or whatever. It may well be that some characters tend to press their views more strongly than others, especially if they have been designated to take the chair, and to this extent it is possible that the decisions taken in regard to a sample such as the present one may not be representative because of the influence of the author. Comparison with the overall statistics, however, as well as with the findings from another Edinburgh sample (Morris, *et al.*, 1973), indicate that this factor has not caused any major distortion. This is illustrated by the following table showing the breakdown of decisions taken in three Edinburgh and two national samples.

	% <i>discharged</i>	% <i>put under</i> <i>supervision</i>	% <i>residential</i> <i>supervision</i>	% <i>continued for</i> <i>further report</i>
Scotland 1971*	28	56	16	—
Scotland 1972†	34	51	15	—
Edinburgh 1971*	27	56	17	—
Edinburgh sample‡	22	56	22	—
Present sample	26	56	8	10

*Fife County Council, 1973. †Scottish Labour Women's Advisory Council, 1974. ‡Haldane, 1971.

Since the most frequent reason for continuing a hearing for further reports was to obtain the view of an assessment team (psychiatrist, psychologist and social worker) on whether residential treatment was considered appropriate, possibly half of the children referred for further reports were ultimately put in residential care. On that assumption, the breakdown of decisions in the present study, which covered both 1971 and 1972, did not show any unusual features.

The Flexibility of the System

Approximately 50 per cent. of children referred to the reporter are not reported by him to the children's hearing, since he does not regard them as

being likely to require compulsory methods of care. These are labelled, misleadingly, "no action cases," but in practice some action is taken by the reporter on every report. The first element of flexibility in the system is the wide discretion of the reporter to write to the parents, to invite the parents to call on him, to suggest voluntary supervision by the social work department, to ask for a police warning to be given to the child or to arrange for the child to do some form of voluntary penance, for instance cleaning up property which he has damaged.

Just as the "no action" label has tended to obscure the variety of measures which the reporter can take in the interests of children whom he does not intend to bring to a hearing, so the broad heading "supervision requirement" has tended to obscure the variety of measures open to members of hearings who are willing to exercise their ingenuity. The only four options open to hearings, as listed in sections 43 and 44 of the 1968 Act, are discharge, continuation for further investigation, supervision, and residential care, but it is important to note that a supervision requirement requires the child to "submit to supervision in accordance with such conditions as the hearing may impose." In an explanatory memorandum distributed to panel members,⁴ the following advice was offered: "The conditions imposed in a supervision requirement can relate only to the child, and they should in general be flexible rather than precise, to give the person supervising the child a freer hand to assist in the most appropriate way."

In the present sample, in which supervision requirements were made for 71 children, a total of 29 conditions (40 per cent.) were attached (not all of these were formally written into the legal document). The largest group of conditions was of those which set a date for a further hearing prior to the statutory annual review. This condition was inserted on 14 occasions and normally indicated doubts in the minds of the members of hearings as to whether a supervision requirement would be sufficient to deal with an explosive situation. It was anticipated that the imminence of an early review would act as an additional stimulus to the child to control his behaviour; in many cases, it must be admitted, hearings also anticipated that the imminence of an early review would act as an additional stimulus to the social worker. It was a device which increased the intensity of the hearing's involvement with the family concerned.

On six occasions a condition attached to a supervision requirement required the child to reside with a specific relative or foster-parent; three children were required to attend a psychiatric or child guidance clinic; two children, whose parents were handicapped, were required to collaborate with the voluntary agencies specialising in the care of the handicapped; two children were required to participate in youth clubs; one lad was required to take the next available offer of a job. Finally, although not legally a condition, one lad who had stolen money from an old age pensioner was told that if he paid the money back and apologised, his supervision requirement could be reviewed at an earlier date than would normally be the case.

⁴ Social Work Services Group (1971). Explanatory memorandum on the Children's Hearings (Scotland) Rules 1971.

Hearings are not, at present, allowed to order restitution or the forfeiture of weapons; they can, however, use their ingenuity to induce the child to make restitution or to hand over a weapon. Until their powers are extended, hearings must rely on diplomacy from strength.

Another important element of flexibility is provided by the system of reviews of supervision requirements which is laid down by the 1968 Act. No supervision requirement can remain in force for more than one year unless it is renewed. The largest group of review hearings consists therefore of those which are convened by the reporter just under one year after the supervision requirement was imposed or reimposed. During the course of the year, the social worker can ask for a review hearing at any time; the child or parent can ask for a review hearing after a requirement has been in force for at least three months.

The effectiveness of a review depends to some extent on continuity in the membership of hearings. If the family are to feel that the hearings are willing to take a personal interest, at least one member of each review hearing, and preferably more, must have attended the previous hearing. This kind of continuity is easier to achieve in areas where the size of the panel is small than in big cities.

Of the 14 cases in the present sample where an early review was called for, the writer was present at the review on five occasions. This is the proportion which one would expect if an average of one of the three members of a hearing were to be present when the family returned for the review—the very minimum to allow continuity. At four of these reviews it was found that some progress was being made, so the supervision requirement was continued; at the other review it was found that the family situation had deteriorated further, so the lad was sent to a residential school.

The Effectiveness of the Hearings

Gauging the effectiveness of a piece of social machinery such as the children's hearings would present formidable difficulties, even if resources were made available for intensive research. It will be some years before it will be possible to detect trends in the level of juvenile crime and of the other grounds of referral and to relate these to the measures adopted by the hearings, by reporters and by social work departments. We do not know what impact the hearings are having on the child, nor on the parents, nor do we know the extent to which social workers find the work of hearings to be complementary to their own. The present study throws only limited light on these questions. It shows, for instance, that

1. as a result of a shortage of trained social workers and of other resources in the field, the system is by no means operating at full efficiency;
2. hearings are, however, exercising judgment and discretion in accepting or rejecting advice which they receive from social workers, headmasters and other professionals;
3. adverse parental reaction to the experience of participation in hearings is relatively rare.

Shortage of Resources

In the present sample supervision requirements were made for 71 children. Shortcomings in the provision of social work help were noted on 21 occasions (30 per cent.). The breakdown of these 21 occasions was as follows: on six occasions there was scarcely any contact between the child and the social worker prior to a review of the supervision requirement months later; on three occasions, a social worker left his job and the child was not re-allocated; on four occasions no male social worker was available, although the hearing considered that the child needed the support of a man. One of these occasions was particularly memorable because it led to such fundamental disagreement within the membership of the hearing that the decision was ultimately taken by a majority vote and the third member attached a minority view to the official papers. This was the only instance of a decision by majority vote in the present study. The basic issue was whether a lad who had been experimenting with drugs should be sent to a residential school. There was no male figure in his family setting and he was clearly in need of male leadership. If a male social worker had been available, it is possible that the minority member's view would have been accepted and the lad would not have been committed to the residential school.

On four occasions tensions within families were at such a pitch that only intensive casework could have held the family together, but it was not available. On the remaining four occasions, a trouble-shooter was needed to help the child over immediate difficulties in relation to school or job, but such a person was not available.

Although the shortage of social workers undoubtedly emerged as the most obvious weakness of the system, shortage of resources in other fields was constantly being revealed. A number of children whose problem was truancy from school would have benefited from places in schools for maladjusted children; a number whose problems stemmed from a disruptive home background would have benefited from places in children's homes or youth homes. Children in both these categories are sometimes sent to residential schools for want of a better alternative. The lack of places in schools for maladjusted children inevitably results in a number of maladjusted children being treated as though they were delinquents. Children's panels have frequently voiced their concern at the shortage of places in children's homes, youth homes and in schools, or classes, for maladjusted children, but local authorities have seemed reluctant to respond.

The total number of instances of shortage of resources in respect of the 157 families was 28 (18 per cent.). The Edinburgh children's panel have subsequently initiated a register of all shortages encountered. A report on the first three months of this register (Cradock and Heywood, 1974) stated that the available resources were considered inadequate for 19 per cent. of families. The similarity between these two findings appears to substantiate the oft-repeated claim that the Edinburgh children's panel (like many others) is seriously hampered by lack of resources.

The Decisions of the Hearings

The social worker is free to decide whether or not to end his social background report with a recommendation to the hearing. Reports frequently end with statements which, although not specific recommendations, indicate how the social worker feels that the situation is likely to develop. Morris *et al.* (1973), by comparing specific recommendations with the decisions then taken, found that in Edinburgh 16 per cent. of all specific recommendations were not accepted, but, since decisions are taken at the end of a hearing which on average lasts 45 minutes and which frequently brings out new relevant factors in the situation, one cannot assume that at the end of the hearing the social worker disagreed with the decision of the hearing as frequently as these figures imply. In the present study, which is based on personal attendance at the hearing, there were only eight occasions when the social worker appeared to disagree with the decision reached by the hearing (five per cent. of the initial disposals). Analysis of these occasions revealed no clear pattern. There were two occasions when the social worker felt that a residential school was needed, and two when the social worker felt that removal to a children's home was called for. On these four occasions the hearing wanted the family and the social worker to make another effort to sort out family relationships. On two occasions children were discharged when the social worker felt that there was a case for supervision; these were examples of the hearing wanting to show their confidence in the capability of the parents. On one occasion the social worker wanted a supervision requirement terminated, but the hearing were not impressed by the main reason for this, which was alteration of the boundaries of the social work area. Finally, on one occasion the hearing accepted the strong wish of a 13-year-old to reside with an aunt, although the social worker was willing to induce the child to make a further attempt at reconciliation with mother and step-father.

The particular interest of this last instance was that the difference of opinion which the hearing had to resolve lay between the child and the parents: the social worker had adopted a posture of neutrality. In the setting of the courts in England and Wales, it has been argued that there is a need for a child's advocate to ensure that the viewpoint of the child is adequately presented and considered; in the Scottish system, on the other hand, where the sole criterion for decisions is the interest of the child, a hearing which did not ensure adequate presentation and consideration of the child's view would be failing to perform its duty. So conscious of this obligation were the hearings in this study that the child was interviewed without the parents being present in as many as 22 per cent. of all initial appearances. Since section 41 (1) of the Social Work (Scotland) Act 1968 gives the parent a right to attend at all stages of a hearing, the child can only be seen separately with the consent of the parent(s). This consent was never refused. On seven occasions out of 48 it was noted that either the child or the parent spoke more freely when alone, which helped the hearing to a better understanding of the family situation.

The occasions on which hearings rejected the advice of social workers were few, but they showed that panel members took their responsibilities seriously and were willing to exercise their own judgment. Advice from other sources was scrutinised with similar caution. On one occasion a psychiatrist advised the removal from home of a 10-year-old boy. It was unfortunate that this report was extremely brief and did not spell out the reasons for this recommendation. The child was showing signs of acute distress at the prospect of separation. The father was willing to make an extra effort to help the lad, even if it meant working shorter hours at his job. The hearing members were initially divided, and withdrew for brief discussion of their differences. Eventually they decided to continue the supervision requirement and to have a further hearing in three months' time. Some months later the psychiatrist saw the lad again and offered to accept the whole family for treatment. This offer was welcomed by the hearing.

On two occasions, hearings found themselves differing widely in their assessment from that presented in school reports. The reports which the schools sent in on these two lads were couched in strong terms and conjured up in advance a picture which was totally at variance with the lad's appearance and conduct at the hearing. Moreover, it was found that the families of these lads were facing social difficulties of which the schools appeared to be unaware. Even if the schools had understood them, they were not in any position to alleviate them. From the point of view of the hearing, it would have been far better if these problems had been tackled before the stage had been reached at which the headmaster felt that the boy must be excluded. Both hearings declined to send the boy in question away to a residential school. For one they asked for psychiatric help until the lad reached school-leaving age; for the other they obtained the school's permission to send him back to try to make a new start.

Parental Reactions

Although we do not know at first hand the reactions of parents to the hearings they attend, some light is thrown on their attitudes if we look at:

1. those who failed to attend;
2. those who did not accept the grounds of referral;
3. those who appeared discontented with the decision of the hearing;
4. those who appealed against the decision of the hearing; and
5. those who asked for a review while the supervision requirement was still in force.

1. Those who failed to attend

Article 41 of the Social Work (Scotland) Act 1968 obliges both parents to attend hearings to which their children are summoned unless the hearing is satisfied that it would be unreasonable or unnecessary to require their attendance. Failure to attend makes them liable, on summary conviction, to a fine not exceeding £50.

Of the couples living together, 81 per cent. attended together, 13 per cent. were represented by one partner, 6 per cent. were both absent. Of the parents

from broken homes, 93 per cent. attended, often escorted by their new partners. Thus absenteeism was more conspicuous in the families where both parents were living together. The reasons for absence were usually obscure, but about one-third sent a message via the social worker excusing themselves on grounds which appeared genuine; for instance, absence in hospital or prison, inability to get off work or inability to cope with the stress of a hearing.

2. *Those who did not accept the grounds of referral*

One fundamental principle underlying the hearings system is that their function is not to adjudicate on matters of fact but to discuss and decide on measures of care; they can only proceed when the child and his parents have accepted the reasons for which the reporter has summoned them, known as the "grounds of referral." If the grounds are not accepted, or if the child is considered to be incapable of understanding them, the case must be referred to the Sheriff for substantiation of the grounds of referral before the hearing can proceed. Out of the 157 families in the sample, 11 denied the grounds of referral and five failed to appear, yielding a proportion of 10 per cent. not accepting the referral. If we exclude those appearances where the purpose of the hearing was merely to review an existing supervision requirement and therefore unobjectionable, this proportion rises to 12 per cent. This is in line with the proportion found in Morris' (1973) Edinburgh sample and with the figures reported in Scottish Social Work Statistics 1971 (Table 2.49). The latter went on to show that approximately 40 per cent. of all offences denied were subsequently established.

In the present sample, about half the grounds of referral which were denied concerned delinquent actions; the other half concerned lack of care or control within the family. Parents showed greater reluctance to admit that they had provided inadequate care or had lost parental control than to accept that the child had committed an offence. This is understandable, but some of the parents who denied responsibility might nevertheless have welcomed a compulsory supervision requirement if this had not been conditional on an admission of guilt on their part. Such parents might have been more co-operative if the grounds of referral had not carried such a clear implication of neglect. In present circumstances, when parents decline to accept this implication, the hearing can sometimes arrange for a social worker to undertake voluntary supervision. It is arguable, however, that in order to enable such parents to accept a continuing relationship with the social work department and with the children's hearings, section 32 (2) of the Act should be amended to include an extra condition justifying compulsory measures of care without imputing guilt to the parents; for instance, "if the parents acknowledge that they are faced with special difficulties in providing the standard of care they would wish."

3. *Those who appeared discontented with the decision of the hearing*

In the present sample of 157 families, parents expressed their disagreement with the decision of the hearing on eight occasions (5 per cent.). These are worth looking at in more detail. On four of these occasions the child was

showing by his or her behaviour, and confirming in the hearing, that he or she was unhappy at home and would prefer to live elsewhere. Two of these children had lived in children's homes and wanted to return there; one had been living with an aunt and uncle; one had had experience of children's psychiatric hospitals. On each occasion the hearing accepted the course of action desired by the child but not by the parent. In the fifth instance, the hearing decided to impose a compulsory supervision requirement against the wish of the mother because the child was a 13-year-old boy reported for a minor sexual offence and lacking any father figure. On two occasions parents who had wanted a compulsory supervision requirement imposed on the child were disappointed when the hearing invited the social worker to offer voluntary supervision instead. Finally, on one occasion the hearing declined to send a teenage girl to a residential school although it was clear that the parents wanted them to do so.

4. *Those who appealed against the decision of the hearing*

Parents have the right to appeal against decisions of the hearings and to claim legal aid. The powers of the Sheriff are stated very widely in the Act (s. 49). He may allow the appeal where he is "satisfied that the decision of the children's hearing is not justified in all the circumstances of the case." Only one of the eight parents who appeared discontented with the decision of the hearing appealed against it; their child was one of the four who preferred life away from home. The appeal was not allowed by the Sheriff.

5. *Those who asked for a review while the supervision requirement was still in force*

All supervision requirements must be reviewed within a year. Parents have the right to ask for a review at any time when the requirement has been in force for three months. In this sample, only one parent exercised this right. The son came to the hearing from the residential school to which he had been committed with the parents' acquiescence; the school felt that he would benefit from a longer stay and it was decided to have a further review in two months' time.

Relationships with the Courts

Although there are still obscurities in the courts' powers to allow appeals against decisions of the children's hearing, there is no doubt in any quarter of the value of having the courts in the background to establish, where necessary, the grounds of referral and to consider appeals. Wherever the power to adjudicate on facts has been separated effectively from the power to decide on compulsory measures of care, the system has worked smoothly and logically and has borne the fruit expected of it by the 1964 Kilbrandon report. Where the courts have had recourse to prosecution under the powers reserved to the Lord Advocate under section 31 of the 1968 Act (the Lord Advocate is the Chief Law Officer in Scotland; through the Crown Office he directs the public system of prosecution), there has often been a lack of logic and consequently a loss of justice.

Although the Kilbrandon committee anticipated that these reserved powers would only be used in the most exceptional circumstances (s. 125), they have in practice been used so extensively that in 1972 approximately one in eight of juvenile offenders were taken to court.⁵ Of the 12 children in the present sample who were referred to hearings by Sheriff Courts, six had committed offences involving cars, two had been involved in theft in collaboration with adults, three had committed minor thefts and one was charged with assault. They were all children for whom the kind of social diagnosis which hearings can provide was more appropriate than traditional judicial decision. On the other hand, they were not all easy cases for hearings to deal with because they were outgrowing the measures of treatment in the armoury of the hearing system. This marginal area between the hearings and the courts at present reveals inconsistencies both in theory and in practice which must be confusing to the families concerned and must cause frustration both to the court and the hearing.

Conclusions

1. The limited picture of the hearings system presented by this study indicates that the "lay panel" proposed by the Kilbrandon committee in 1964, concerned not with adjudication of facts but with decisions on measures of care, has become a working reality. Five days a week, with occasional Saturday sessions, the Edinburgh reporter has a steady flow of trained volunteers waiting to discuss and assess the problems of families whose children are in trouble. The outstanding characteristic of the system is its flexibility. First the reporter, then the hearings have a wide range of options open to them, a fact that has been obscured by the use of such negative terms as "no-action cases" and "supervision requirement." The system of review hearings allows for periodic reconsideration of the family situation and where necessary modification of measures of care.

2. The lack of social work resources to meet the requirements of children's hearings has been documented. Shortage of social work resources was noted in relation to 18 per cent. of decisions reached. Shortcomings in the provision of social work help were noted in relation to 30 per cent. of all supervision requirements imposed. Such shortages inevitably have a damaging effect both on the effectiveness of the system and on the morale of panel members.

3. The role of the hearings emerges not so much as one of deciding between two or more options as of trying to reach a consensus on the interpretation of the child's behaviour and on the choice of appropriate measures of care. Where a consensus is not achieved, hearings exercise an independent judgment in weighing the opinions of the parents, the child, the social worker, the school, the psychiatrist, the assessment team and so on. The interest of the child is the sole criterion in reaching their decision. Equally the three members of a hearing must normally reach a consensus among themselves, a process which puts a rein on personal prejudices and preconceptions. At present this mediatory role is confined to the setting of the hearing, but if

⁵ Criminal Statistics (Scotland) 1972, Cmnd. 5465, p. 11.

greater continuity of hearing members could be achieved there would be scope for a more positive outlook and for conscious efforts to stimulate better co-ordination between the various social, educational and medical agencies working with the family.

4. Since the average hearing lasts 45 minutes and allows participation by all those present in the discussion of family problems and of possible remedies, the process is aptly named a "hearing." The processes and the decisions of hearings appear to be acceptable to 95 per cent. of those parents who attend. The system has made little impact, however, in the community at large, where it is commonly regarded as lacking both the will and the power to keep delinquency in check.

5. The appeal role of the Sheriff Court is essential to the system if the liberty of the individual is to be safeguarded. The continuance of the practice of prosecuting children in the courts, however, is anachronistic and the selection of children for prosecution has lacked consistent principle. The present uneasy relationship between the hearings and the courts could be remedied if all children appeared first before hearings. For those requiring decisions at present beyond the powers of the hearing, provision would have to be made either to increase these powers or to enable the hearing to remit their cases to the court.

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CHILDREN'S HEARINGS: A COMMENTARY

P. D. SCOTT

NIGEL Bruce's retrospective report on the Kilbrandon children's hearings is very welcome. Many have been wondering how they were working out and will now be grateful to the author for keeping records and writing them up so well. It is good to know that the hearings are now a practical reality but even with this new information there must be considerable doubt as to the

principles behind them. Writing this on a Sunday afternoon, a gardening analogy springs to mind: experts with special knowledge can grow tomatoes in hothouses, by ring culture, and these days by filling plastic bags with prepared compost and inserting the seedling through a slit in the top; but they can still be grown with very much less trouble, and in some respects to higher standards, in the garden along with all sorts of other crops. If one really set about it I dare say tomato-growing by teams of trained volunteers could become a practical reality on the flat roofs of houses or in the middle of double carriage-ways. As Dr. Johnson pointed out, dogs can be trained to walk on their hind legs; my contention is that school teachers do so naturally.

A number of questions arise from the article. If a male social worker had been available, it is said, the lad may not have been committed to a residential school. What would that social worker have done with the very limited time which would probably have been available to him?—made friends with the boy, listened to him, met the parents, got them communicating with one another again, made them feel that there may be a way out if they can only hang on, perhaps made some suggestions about practical matters. There must be very few cases in which more is provided (or needed). Could not these basic and relatively simple services have been provided in the school by the form master (in consultation with the headmaster), the parent teacher association, and the welfare officer attached to the school or called in by the school?

“The first element of flexibility in the system is the wide discretion of the reporter to write to the parents, to invite the parents to call on him, to suggest voluntary supervision by the social work department, to ask for police warning to be given to the child or to arrange for the child to do some form of voluntary penance, for instance cleaning up property which he has damaged.” But surely every one of these simple measures is, or should be, well within the capacity of the school authorities. The really important point is that if some labelled expert, or specialist, is set up to do a job, then the person who was doing it before loses interest and status and in time will have forgotten how to do it. The school (reports the author) was unaware of the social difficulties of the boy and had delayed to the point at which exclusion from school was being considered. But isn't this sort of ignorance going to be encouraged by the knowledge that reporters and special social workers exist to deal with precisely such cases; and are not the school authorities going to delay until they are sure a referral will not be regarded as frivolous?

The impression is strongly conveyed that the panels are laboriously and conscientiously learning how to do the things that good schools have been doing for a long time, and that no one is looking at the secondary and deleterious effect which they may be having on the schools, nor the confusion they may be causing amongst parents, pupils and teachers.

The system is not working at full efficiency because of the “shortage of trained social workers and of other resources in the field.” Is it supposed that there will ever be sufficient social workers for this service? In all probability not. The demands made upon many social services are bottomless and it is necessary to devise alternatives, and to be selective. The point is that, if there

are not enough people to operate the service, this is an absolute criticism not a temporary one. Truants, it is said, would have benefited from placement in schools for maladjusted children. We cannot generalise about truants, who vary greatly in what they need; perhaps some do need special residential placement, but is this sometimes because services in the community are so poor? And could the schools have done more if they had been encouraged?

Some children appearing before the panel or court may need an advocate. Wouldn't a known representative from the school be the ideal advocate? However good the panel member, or the expert social worker, he or she will be a stranger and therefore (except in rare cases) at a disadvantage. It may be that in social maladjustments it is the individual's peer group, and familiar figures, which have the greater influence—and many of these are in the schools. How dreadful it would be if a boy realised that, when he was upset, unhappy, or in social difficulties, his parents and teachers were impotent and had to call in strangers; he might interpret it as lack of interest and might be right.

It is in the nature of services to develop like living organisms; to grow, to specialise, to seek more recognition and power. Already the author feels the panels need more power and better supportive services, more personnel, more expenditure. Of course essential services must grow; but is the service essential, and is it growing at the expense of the education system? Would it not be better if the money spent on this service were directed towards the schools? It is appreciated that the service is voluntary but, even so, the overhead costs may be appreciable.

Perhaps some school teachers would strongly resist the responsibility for the behaviour of these children, and this, in view of the degree of parental mis-handling of children, would be understandable. If teachers felt so, however, the reason would probably be found in erosion of their morale by too large classes, too little encouragement, instruction, and perhaps reward, and too little support from long-stops such as sheriff's courts and psychiatric services.

The Scottish education system had, and has, such an excellent reputation, that I cannot understand why it has not been utilised more effectively in this field. What has happened to the Scottish dominie?

REJOINDER BY THE AUTHOR

At least in the urban areas of Scotland, the dominie has taken his respected place in history. The Scottish junior secondary schools, which have now become comprehensive, provide remarkably little direct adult one-to-one contact with the child. They take remarkably little interest in the life of the pupil beyond the confines of the school, although in England, according to Dr. Scott, "good schools" have accepted this as part of their role for a long time.

It is worth recalling that the Kilbrandon report of 1964 recommended that the future correctional system for children in Scotland should operate under the wing of the educational authorities. The government's decision to place it

in the social work arena instead stemmed from the unwillingness of the social work profession to have this important part of their field of concern put under the umbrella of an educational system in which they had little confidence.

Undoubtedly at present the children's hearings are developing far apart from the educational system, but one or two reporters, and one or two headmasters, are beginning to see the illogicality and wastefulness of this situation. The Edinburgh children's panel is now evolving a new method of liaison with the local secondary schools. It would seem vitally important that, when the new regional authorities have assumed responsibility, they should concern themselves with this anomaly. A trend back towards the original Kilbrandon concept is still a possibility and would not necessarily require fresh legislation. It would require schools to be willing to spend more time developing contacts with parents, which at present are minimal, and learning how to recognise and counteract some of the social and psychological handicaps of many of their less enthusiastic pupils.

Given the fact that both education and social work are directly concerned with the delinquent or deprived child, it is possible to view the children's panels not as yet another agency intruding into the field, but as the representatives of the community endeavouring to secure more effective collaboration between teachers and social workers, and other professionals, for the benefit of the family under stress. Presumably if such collaboration became really effective, it might be possible for all measures of care to become voluntary; then there would be no more need for children's hearings and we should have the happy situation which Dr. Scott envisages. But at present this seems as idealistic a thought as Karl Marx's prognosis that in a communist society the State will wither away.

SUICIDE AND WAR

*A Case Study and Theoretical Appraisal*PAT O'MALLEY (*London*)*

IN his examination of the nature and etiology of egoistic suicide, Emile Durkheim (1960, pp. 202–208) briefly discussed the influence of wars and political disturbances on suicide rates. His analysis of periods of war and revolution in France, Italy, Denmark and some German states, during the latter half of the nineteenth century, revealed the fact that officially recorded suicide rates manifested marked declines during such interludes. These findings were, he felt, perfectly in accordance with his general hypothesis that “suicide varies inversely with the degree of integration of the social groups of which the individual forms a part” (1960, p. 209), due to the fact that “great social disturbances and great popular wars arouse collective sentiments, stimulate partisan spirit and patriotism, political and national faith alike, and . . . cause a stronger integration of society” (1960, p. 208). Thus, because these conflicts tend to increase in-group integration, and because increases in integration produce decreases in suicide, then it is logical to expect that such conflicts produce decreases in suicide.

This article will be concerned, in the first instance, with developing the Durkheimian “suicide-war” model, discussed above, and from this development to derive and test certain hypotheses in relation to the suicide rates of women resident in Australia during World War II. In addition, the article will be concerned with the possibility, raised by Durkheim himself, that wartime declines in suicide rates could be an artefact produced by the “paralysis of administrative authority” (Durkheim, 1960, p. 208). Attention will be given in the latter half of the article to the analysis of ways in which such administrative changes in recording suicides could be responsible for the observation that suicide rates decline during wartime.

Wartime Australia: A Case Study

The generality of Durkheim's suicide-war hypothesis may be extended by the subsumption of wars and political conflicts under a more general category of events. Such a category may be constituted by all situations in which group members perceive a threat to their collective interests, or to interests which they believe to be best protected by collective means. Existing data indicate that, in such situations, the frequency and intensity of social interaction increase as the imminence and magnitude of the shared threat increase (Burnstein and McCrae, 1962; Lanzetta, 1955; Pepitone and Kleiner, 1943). Consequently, the suicide-war hypothesis may be restated in the following, more general, manner: (1.1) *An increase in the perceived threat to a group, from an external source, will result in an increase in the integration of the group, and hence a decrease in its suicide rates.*

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In addition to the increase in generality provided by this statement, the revised proposition contributes an important refinement to Durkheim's original hypothesis—namely, that suicide rates will vary *within* periods of conflict, as fluctuations occur in the perceived imminence of the threat to the group in question. Thus the modified hypothesis posits that while, as Durkheim argued, the suicide rate will decline “among conquerors as well as vanquished” (1960, p. 209), the decline will tend to be greater in the case of the latter—at least during the period prior to their actual recognition of defeat.¹

As they provide an example ideally suited to testing the hypothesis developed above, the suicide rates of women resident in Australia during World War II were selected for analysis.² Australia entered the war two days after Great Britain and, although few Australian troops were involved in the first few months of hostilities, nevertheless Australia was—although somewhat remotely—subjected to the threat of German aggression. With the advent of the North African campaign, Australian troops entered the war in large numbers—thus increasing their nation's level of involvement; and when Japan declared war on the allies in December 1941, the threat to Australia became manifest and immediate. Involvement in each of the three theatres of war therefore represented an increase in the immediacy of threat to the Australian nation. The European theatre represented an indirect, and partly symbolic, threat; the Pacific, or Japanese, war provided a direct threat to the territorial and political existence of the Australian nation³; and the North African campaign, because it involved many Australian troops but did not directly threaten Australia's nationhood, represented a threat of intermediate intensity.

Given the threat-suicide hypothesis, therefore, data should reveal that (2.1) *events in the Pacific theatre of war will be more closely associated with fluctuations in the suicide rates of Australian women than will be events in the European war—with the North African campaign being associated to an intermediate degree.* Furthermore, since nations are territorially based groups, it may be predicted that (2.2) *fluctuations in territorial aspects of the war will be more closely related to fluctuations in suicide rates than will fluctuations in non-territorial aspects of war, such as those associated with logistics and casualties.* In turn, the propositions contained in these two hypotheses logically imply a third hypothesis, positing that (2.3) *fluctuations in territorial aspects of the Pacific theatre of war will produce a*

¹ It is important to note that, once defeat is recognised, then the situation is no longer one covered by the threat hypothesis, since the threat (anticipation) has been realised (object of anticipation). Once defeat has occurred, then other influences may operate to affect the suicide rate in a different manner. Examples of such factors are indicated by Durkheim in his discussion of altruistic suicide (1960, p. 221) and fatalistic suicide (1960, p. 276) in which he points out that suicidal behaviour may increase under conditions of defeat and subjection.

² The suicide rates of women were selected for two reasons. Firstly, unlike the male population, females were not called up for active service. Females therefore remained, overwhelmingly, in their home country. More importantly, women were not involved directly in the combat situation. The importance of this lies in the fact that in the war zone it is almost impossible to differentiate suicidal deaths from those resulting from “normal” combat risks. This latter problem is discussed by Durkheim (1960, p. 205).

³ While the Japanese invasion of Micronesia moved, in 1942, to within less than 200 miles of the Australian mainland, Australia itself was spared the effects of wartime devastation. Only a few remote towns on the north coast were actually bombed and, although Sydney and Newcastle were once shelled by Japanese submarines, there was little damage.

stronger correlation with suicide rates than will be the case with any other combination of aspects, and theatres, of war.

In order to examine these hypotheses, tests involving several types of data were devised and carried out.

(a) *Suicide rates and media presentation of threat*

The perception of threat in wartime Australia was, in a very large measure, dictated by the media presentation of war news. Since the "objective facts" of war were selectively presented and interpreted for the Australian market by a series of gatekeeper institutions (whose interests favoured the presentation of war news in a manner which involved extensive censorship)⁴ then the media presentation, rather than the objective facts of war, must be considered as the key influence affecting the behaviour in question.

A content analysis of two Australian daily papers was carried out, to assess the volume and prominence of news unfavourable to the allies. These data were used as an index of perceived threat. Editions of each newspaper were selected in such a manner that one constructed week was analysed within each quarter of each year of the war.⁵ Items of newsprint pertaining to unfavourable aspects of the war were quantified in terms of Budd's (1964) "Attention Score" and were recorded in terms of the theatre of war to which they related (*i.e.* European, North African, Pacific) and with which aspect of the war they dealt (*i.e.* Territorial, Logistic, Predictions).⁶ The resulting data were then correlated with the suicide rate of Australian women for each (corresponding) quarter-year period.

TABLE 1

*Correlations between Suicide Rates of Australian Women and Newsprint Presentation Unfavourable to the Allies, for each Theatre and aspect of the War (by Quarter) **

<i>Aspect of war</i>	<i>Theatre of war</i>			
	<i>European</i>	<i>North African</i>	<i>Pacific</i>	<i>All information</i>
Territorial	—0.51	—0.57	—0.70	—0.54
Logistic	—0.45	—0.52	—0.53	—0.50
Predictions	—0.44	—0.44	—0.55	—0.47
All information	—0.48	—0.52	—0.63	—0.52

* Values given are for Pearson's *r*.

Table 1 reveals substantial support for all hypotheses stated above. *Each* of the individual correlations shown in this table is consistent with the main

⁴ Thus, for example, news about the fall of Norway was "held up for scrutiny and censorship" (*The Age* newspaper, Melbourne, May 2, 1940), and news about enemy submarines was often withheld on the grounds that "it is not always desirable to publish details" of such matters (*The Age*, April 7, 1940).

⁵ For an outline of the "constructed week" technique, see Carter (1959). In brief, the approach involves the selection of a sample of newspapers in such a way that it contains equal numbers of editions from each of the days of the week.

⁶ Scott's (1955) "Index of Inter-Coder Agreement" was used to assess the reliability of coding within these classifications, and to test the reliability of judgments as to the unfavourability of news items. The index score (π) for the assessment of unfavourability of items was 0.81 (slightly in excess of 90 per cent. inter-coder agreement), and for the assessment of positioning of data on the grid, π was 0.74.

The formula for the index is: $\pi = \frac{Po - Pe}{1 - Pe}$ where Po represents the percentage agreement between analysts, and Pe represents the expected agreement based on random probability.

hypothesis. The significance of these data is enhanced by the consistency of the findings. All of the correlations are of at least moderate strength, and the overall correlation between suicide rates and all news covering threats of any relevant type is — 0.52.

As predicted in hypothesis 2.1, correlations between suicide rates and news data dealing with threats originating from the Pacific theatre of war are stronger, for all types of threat, than are correlations between suicide rates and news of threats from other theatres. Additional support for hypothesis 2.1 stems from the fact that, as predicted, the lowest correlations are those involving threats from the European theatre, with those involving threats from the North African theatre tending to be slightly higher—although well below those recorded for the Pacific theatre.

Strong support also exists for hypothesis 2.2. Data reveal that correlations between suicide rates and news dealing with territorial threats are stronger, for all theatres of war, than correlations involving news on any other type of threat. It is also significant that the highest single correlation value in Table 1 is that between suicide rates and news of territorial threats emanating from the Pacific theatre. This conforms to the prediction made in hypothesis 2.3.

Given the substantial support which exists for all three subsidiary hypotheses, as well as for the main hypothesis from which they are derived, there seems little doubt that the suicide-integration-war model provides a valuable predictive tool.

(b) *Suicide and Australian troop casualties*

One of the most obvious “commonsense” hypotheses about suicidal behaviour of women during periods of war is that bereaved kin often commit suicide. While nothing in this study suggests that this does not occur, it is possible to argue that the effect of bereavement may be to increase group cohesion by creating a “community of suffering,” and thus that *an increase in troop casualties may be inversely correlated with female suicide rates*.

In order to test this hypothesis, two sets of correlations were drawn up, one relating the number of troop casualties to female suicide rates within the same quarter-year period, and the other relating troop casualties to suicide rates in the *following* quarter-year period—a technique adopted in order to allow for any delays in the transmission of official information to next-of-kin⁷.

Data presented in Table 2 show evidence in support of the expected pattern. However, due to the positive correlation ($r = +0.49$) existing between the index of threat used in this study and the numbers of troop casualties, no unambiguous conclusions may be drawn. All that may be said is that data do not conflict with the casualty-integration-suicide hypothesis.

⁷ Data relating to casualties must be treated with some caution, as must the conclusions stemming from them, because to some extent casualty figures are post-war reconstructions of data unavailable during wartime.

TABLE 2

*Correlations Existing Between Suicide Rates of Australian Women and Casualty Rates of Australian Troops for Each Theatre of War**

<i>Casualties, by theatre of war</i>	<i>Correlations of troop casualties with suicide rates</i>	
	<i>In same quarter</i>	<i>In following quarter</i>
<i>Deaths</i>		
European/North Africa	—0·48	—0·41
Pacific	—0·51	—0·53
<i>Injuries</i>		
European/North Africa	—0·31	—0·30
Pacific	—0·50	—0·52
<i>Total casualties</i>		
European/North Africa	—0·40	—0·36
Pacific	—0·51	—0·53

* Values given are for Pearson's *r*.

(c) *Suicide rates and the levels of business activity*

One of the most important variables consistently related to suicide rates is the level of business activity (Ogburn and Thomas, 1922; Henry and Short, 1965). Since one effect of war may be to stimulate the level of business activity (as was the case in Australia during World War II⁸) and since the level of business activity is inversely related to suicide rates, then it is possible that *the wartime decline in suicides may be a product of causal chains which operate through the influence of economic, rather than through Durkheimian integrative processes.*

In order to test this hypothesis, the wholesale price index was used as an index of the level of business activity, and was correlated with suicide rates over the 17-year period September 1928 to August 1945.⁹ As indicated in Table 3, a strong inverse relationship exists between the level of business activity and suicide rates of Australian women during the peacetime years September 1928 to August 1939. This finding is in accordance with the findings of studies carried out in the United States of America, England and Wales (Ogburn and Thomas, 1922, pp. 305–340; Henry and Short, 1965, p. 25).

TABLE 3

*Correlations between Suicide Rates of Australian Women and the Level of Business Activity, 1928–1945**

<i>Period</i>	<i>Correlation between suicide rates and level of business activity</i>
September 1928—August 1939	—0·68
September 1939—August 1945	—0·42
September 1939—August 1942	—0·88
September 1942—August 1945	+0·02

* Values given are for Pearson's *r*.

⁸ During the period 1939–1945, the wholesale price index for Australia rose from 100 to 142, in a uniformly upward trend.

⁹ Henry and Short (1965, p. 25) used Ayre's Index of Business Activity as their measure. However, due to the industrial nature of this index, it proved unsuitable for assessing the primarily agricultural Australian economy of the war years.

An initial inspection also reveals that this relationship continues to apply throughout the war years, although in weakened form. However, closer analysis reveals that the overall correlation for the war years may be broken down into two clearly distinct phases, one exhibiting an extremely high negative correlation for the first half of the war, the other a weak, positive correlation for the second half of the war.

The association between level of business activity and suicide rates ceases, therefore, by the end of 1942, indicating either that some other variable began to influence suicide rates more strongly than did the business cycle, or that the relationship between the two variables during the first part of the war was spurious and coincidental. The final few months of 1942 are notable in that it was during this period that the tide of the war turned. These months witnessed the allied victory at El Alamein and the commencement of the German rout in North Africa, and on the European front it witnessed the German defeat at Stalingrad. Perhaps most importantly, however, it was during this period that the Japanese advance through New Guinea was turned back, following fighting on the outskirts of Port Moresby. The months of June to December 1942 witnessed the first major reverses for axis forces in all three theatres of war, and heralded the decline of axis domination. From this time forward, the immediacy of the threat to the Australian mainland receded steadily, and the previously declining suicide rate began an upward trend which was to persist until the end of hostilities.

It would appear, therefore, that the high correlation between business factors and the suicide rate during the first half of the war is largely a product of coincidence. Once the tide of war changed, and the immediacy of group threat receded, the suicide rate began to rise—despite the fact that the trends in business activity did not differ markedly from those exhibited in the first part of the war.

The wartime variations in the suicide rate of Australian women thus appear to be completely compatible with the notion that group integration increases under threat and thus effects a reduction in suicidal behaviour.

Problems of Interpretation: An Alternative Framework

Durkheim, as noted earlier in this article, considered the possibility that wartime declines in suicide rates could be a product of changes in official recording practices rather than of changes in suicidal behaviour as such. Although he eventually rejected this notion, his argument suffers from the fact that he was cognisant only of a limited range of means by which social upheavals may affect official recording procedures. Durkheim's conception of such means is entirely restricted to events implied by the terms "administrative upheaval," "administrative paralysis" and a "brief inadvertence of administration" (Durkheim, 1960, p. 206). Such disruptions, however, constitute only one type of factor which could produce changes in official recording procedures. Even if we accept, for the moment, Durkheim's rejection of the influence of the above range of events, recent developments in the sociology of suicide suggest a number of alternative processes not affected by his arguments.

In a seminal work, Douglas (1967) argued that it cannot be taken for granted that suicide rates reflect anything other than rates of official recognition of suicide behaviour. From this viewpoint, the suicide rate of a given society is a product of factors which influence official decisions to label a death as suicide. Douglas suggests that these factors include:

1. The "real" circumstances surrounding the deaths;
2. factors involved in causing attempted dissimulations about the death;
3. factors determining the success of these dissimulations;
4. factors determining the perceptions and cognitions of the deaths by officials (Douglas, 1967, p. 208).

It may be possible to apply this framework to the formal identification of suicides during wartime in such a manner as to account for the relationships observed in this study, and this possibility must, therefore, be examined.

Douglas suggests that increased integration in a group could result in a decline in the official recognition of suicide, without there being any decline in the "actual" number of suicides, due to the fact that: "the more integrated the deceased individual is into his local community and with the officials, the more the doctors, coroners, or other officials responsible for deciding what the cause of death is will be favourably influenced, consciously or subconsciously, by the preferences of the deceased and his significant others" (Douglas, 1967, p. 213). It is possible that this argument could be applied to explain the decline in suicides during wartime, without conflicting with the suicide-threat hypothesis, since the difference between Douglas's and Durkheim's arguments lies only in the interpretation of how increased integration affects suicide rates.

However, examination of certain features of the Australian situation reveals several factors inconsistent with the interpretation derived from Douglas. In the first place, the simple fact that many men are absent from home, or have been killed, means that more women will be living alone than during peacetime.¹⁰ As a result of this, it is more likely that a suicide, during wartime, will be discovered by the police or some neutral party, rather than by any "significant others" who are likely to attempt "dissimulations about the death". Furthermore, as noted by Atkinson (1969, p. 219): "Just as the presence or absence of significant others may influence the chances of a suicide being concealed, so also is it likely to influence the chances of intervention taking place to prevent death occurring." Given that so many suicide attempts are unsuccessful, then any factor which is likely to affect the "success" of attempted suicides is likely to affect the suicide rates.

In addition to factors associated with the intervention of significant others, situations of group threat are likely to produce conditions *favourable* to the official perceptions and cognitions of suicide. The important of these concerns commonsense assumptions held by such officials about the effects of

¹⁰ Australian casualties in World War II totalled 99,887 of which 27,073 were deaths and 72,814 were injuries. By far the heaviest toll occurred in the Pacific theatre, in which 17,501 were killed and 45,843 were injured.

bereavement on behaviour.¹¹ Thus, for example, whatever the effect of bereavement on suicidal behaviour may be, it is certain that any woman found dead who has recently suffered bereavement is more likely to be *considered* as a suicide than would otherwise be the case. Similarly, commonsense assumptions about the effects of living alone in a stressful situation, such as exist in wartime, could, even in the case of single women or women whose close kin have not been recorded as casualties, be conducive to the interpretation of death as suicide.

The conditions outlined above provide good reasons to favour the Durkheimian rather than Douglas's interpretation. If the situation is such as to favour official recognition of suicide, yet still results in a decline in suicide rates, then this would suggest an even stronger downward trend in suicidal behaviour than the official records suggest.

However, the case is not as one-sided as is suggested by the argument presented above, for two other factors may influence official recognitions in precisely the opposite manner. In the first place, it is quite likely that the machinery responsible for identifying suicides will suffer from disruption and logistic shortages during wartime. The medical requirements of maintaining large combat forces in war theatres saps the home front of medical staff and, in consequence, facilities for carrying out post-mortems may be severely strained. Doctors may, therefore, tend to diagnose a cause of death, in those cases for which the cause of death is not immediately obvious, which will involve the least follow-up activity for the already overworked medical staff.¹² In this way a pressure may be set up such that, where evidence does not clearly indicate suicide as the cause of death, then a diagnosis of death resulting from natural or accidental causes will be favoured. However, it must be recognised that there is a measure of contradiction to this argument inherent in the finding reported earlier in this study concerning the inverse relationship between suicide rates and the level of business activity. If shortages of resources and facilities do affect the identification of suicides through the processes just suggested, then it is difficult to see why suicide rates should rise during periods of economic depression—when it is reasonable to expect that medical resources would be similarly strained.

It is also possible that beliefs about the social implications of recording verdicts of suicide will change during periods of collective threat. Officials may be less favourably disposed toward recording a suicide verdict if it is felt that such a decision would have adverse effects on the morale of the community. Thus, if suicide is associated, in commonsense, with such other attributes as defeatism, fear or grief, then officials may consciously or unconsciously be influenced in their decisions by the desire to minimise the spread of such feelings.

¹¹ The role of commonsense assumptions about suicide cannot be over-estimated, for the coroner is not in a position to receive confirmation of his ideas from the only person who "knows" the facts of the case *in toto*—the suicide victim.

¹² There is abundant evidence to show that such practices occur in other social control situations. Wiseman (1973, pp. 70–74), for example, indicates that, when police lock-ups in North American cities become over-burdened with alcoholics, jailers put pressure on police to cut the flow of cases coming in. In other words, decisions to label marginal cases as criminal depend in part on the capacity of the labelling institutions. This point has been discussed at length by Erikson (1965, pp. 24–25).

Conclusions: Theoretical and Research Implications

In this article an attempt has been made to assess and develop the predictive value of Durkheim's hypothesis that the suicide rate of a group is inversely related to the degree of social integration within the group. Analysis of the suicide rates of women resident in Australia during World War II rendered substantial support to a series of hypotheses derived from Durkheim's major proposition and from his subsidiary observation that suicide rates tend to decline during periods of war. The predictive value of the suicide-social integration hypothesis is therefore confirmed. However, the explanatory value of the hypothesis remains in doubt, due to the fact that the findings of the study are consistent also with an explanation which relates changes in the *official recognition* of deaths by suicide to changes in social integration.

The resolution of this explanatory dilemma is possible only through research into the social processes involved in the official recognition of deaths as being due to suicide. This conclusion was, as noted in an earlier part of this article, a major thrust behind Douglas's (1967) criticism of the Durkheimian position. However, the implications of Douglas's critique have been, in turn, the subject of criticism in a recent review of the use of official statistics in sociology (Hindess, 1973). In this review, Hindess argues that the logic of the position adopted by Douglas inevitably leads to a dead-end of complete relativism. Due to the fact that he emphasises the subjective meanings and experiences of the officials and observers who are responsible for the categorisation of deaths by suicide, Douglas is accused of initiating a form of analysis which involves "an infinite regression, at no stage of which is it possible to escape the determination of seen but unnoticed background expectancies" (Hindess, 1973, p. 12). In other words, if the records of the officials are to be seen as mediated through their experiences, then so too are those of the sociologist who observes the official, and so on *ad infinitum*. The result of this situation would be "a necessary agnosticism with respect to the possibility of objective knowledge of the world" (Hindess, 1973, p. 12).

While this criticism accurately locates a major difficulty in Douglas's position, Hindess proceeds to extend his own argument to the opposite extreme by adopting the position that the evaluation of statistical materials "requires no reference to the subjective experiences of the officials and observers" (Hindess, 1973, p. 12). This argument is based on the following reasoning. In the first place, all human knowledge derives from some theoretical base and cannot be "given" independently of this base (Hindess, 1973, pp. 51-58). In consequence, the categories developed for any classificatory system must be derived from a theoretical base, rather than simply emerging from direct experience of the world, with the result that there can never be an empirical situation in which the data will fit perfectly into the categories (Hindess, 1973, pp. 41-42). It follows therefore that categorical ambiguity will always be a problem for those engaged in the compilation of, among other things, official statistics. Up to this point, Hindess's argument is unobjectionable. However, the conclusion which he draws from this position is ill-considered: "In so far as the consciousness of such individuals does intervene in the assignment of cases into categories, the space for, and effect

of, such intervention is determined by the structure of the system of categories and not by any structure of the consciousnesses concerned" (Hindess, 1973, p. 44). This conclusion would be warranted only if (a) all of the actors involved in the assignment of cases shared an identical theoretical orientation towards their activity, and (b) this orientation coincided with the theoretical base on which the categorical system was founded. While such an identity of theoretical orientations may occur in the case of a narrowly defined scientific exercise—such as an entomological census—it cannot be assumed to exist in a process as complex as the compilation of a suicide rate. There are no grounds for believing the persons engaged in the decision to label a death as suicide will be uniformly concerned with rendering a medically accurate judgment. In so far as theoretical orientations other than that on which the system of categories is based (concern over the effect of a suicide on the deceased's family would be an example of an intervening theoretical orientation) play a role in the compilation of data such as suicide rates, then the intervention of the consciousness of the categorisers cannot be reduced to a mere function of the system of categories. To argue that the nature of the categories is an important factor in classificatory procedures is quite valid, but to argue further that the categories provide rigid parameters for the exercise of consciousness is fundamentally mistaken.

The problem therefore is to devise research orientations which avoid both the nihilism implicit in certain aspects of the work of Douglas and the easy scientism of Hindess which ignores the possibility that systematic distortions are introduced into official rates by the intervention of the consciousness of persons involved in categorising events.

The first step in this direction must be to specify the theoretical base on which rest official statistics as an item of knowledge in everyday life. In other words, the officially prescribed rules and criteria for the categorisation of deaths by suicide must be abstracted—not from official work, but from the officially held theories of how categorisation *should* be carried out and from official ideas about the *raison d'être* underlying suicide rates. These officially held notions will provide what is referred to above as the "theoretical base on which rest official statistics." A suicide rate would be "accurate" to the extent that these "principles" and notions were conformed to in the actual classification of deaths. In this sense, "accuracy" is a procedural term rather than one which implies the conformity of a set of official figures to some unknowable reality. The contrast between the officially held principles and the principles of action observed in practice would indicate the extent to which alternative theoretical bases intervene in the production of suicide rates.

The second proposed research orientation is concerned with the *effects* of the intervention of categorisers' consciousness on the official rates. At first sight this appears to involve the impossible task of deciding what is the "real" rate of suicide for a given group, and then contrasting this with the existing official rate. In fact, the adoption of the procedural view of accuracy, outlined above, presents an alternative approach which involves no such difficulty. Instead, what is envisaged is a basic exercise in experimental

technique. Situations would be selected for which alternative hypotheses predict mutually exclusive results. In the study of suicide rates, hypotheses would be derived from two main sources: the official view of what such rates represent (*i.e.* the type of hypotheses suggested by Durkheim), and the view which sees official rates as influenced by the intervention of some given variation from the official principles of categorisation (such as the biasing effect of humane diagnosing officials). Situations could then be selected for which these two hypotheses predict mutually exclusive states or patterns in official suicide rates. Examination of the official statistics would then constitute the test as to the value of each hypothesis. Research recently carried out by Sainsbury (1973) represents an excellent example of this type of approach.

The combination of the two research orientations outlined above—and especially the adoption of the procedural notion of accuracy—will restore at least a measure of stability to the study of suicide in particular, and to the status of official statistics as both resource and subject-matter of sociological research.

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SUICIDE AND WAR

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SELF-LABELLING THEORY: PRELIMINARY FINDINGS AMONG MENTAL PATIENTS

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THE newly popular theoretical approach to deviance known as the "labelling theory" (Becker, 1963) or the "societal reaction perspective" (Kitsuse, 1962) shifts the focus of concentration from deviant actions to reactions to deviants. In spite of recent critical evaluations of this approach calling for clarification of kind and degree of reaction needed for type of act and/or actor (Schur, 1971; Gibbs, 1972; Warren and Johnson, 1972), social labelling and/or societal reactions are usually taken as the major independent variables to explain how deviance is produced and maintained. Thus, labelling analysts have, until now, to a great extent either minimised or taken for granted differential aspects of self-labelling involved in the process of becoming deviant (Rotenberg, 1974).

Empirical evidence has shown, however, that degree of congruence between group-assigned labels and incumbents' self-concepts might vary greatly (Secord and Backman, 1965; Sarbin and Allen, 1968; Rotenberg and Sarbin, 1971). Moreover, Goffman (1959), Turner (1956) and others have convincingly analysed not only the conditions under which role-type behaviour is incongruent with self, but how people elicit societal responses to misrepresent and obscure their selves.

This article deals with the question: *What makes the label "stick" from the actor's perspective?* An attempt will be made to expand the labelling perspective to deviance by presenting a conceptual scheme for the analysis of conditions and sources of differential self-labelling. It will be proposed that specific beliefs and cultural roots underlie major Western and Eastern labelling systems, and preliminary empirical evidence will be presented to show how self-labelling among mental patients varies according to ethnic origin and degree of Westernisation. To facilitate a unified analysis of self-labelling, the reader is asked to consider first two analytical dimensions: the dimension of primary and secondary labelling, and the dimension of categorical and descriptive labelling.

Primary and Secondary Labelling

Consonant with traditional interaction role theory, Rotenberg and Sarbin (1971) proposed that the ascriptive roles related to age, sex and kinship form the basic personality structure and that all *secondary roles* are contingent on these *primary roles*.

Rotenberg and Sarbin (1971) also demonstrated empirically that the self-identity emanating from a person's primary and secondary role enactments is directly related to degree of significance of the others who make *valuations*

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of his involvement in these roles. Others whose valuative reactions are incorporated into the actor's self-identity are termed *primary others*. Audiences who have power or prestige for the actor and whose valuative reactions are situationally significant but are not incorporated into the actor's self-identity (e.g. prison guards' valuations of prisoners' behaviour) are referred to as *secondary others*.

In contingency terms, valuative reactions of an actor's secondary role behaviour will be incorporated into the self-identity only if the valuator is a primary other. For instance, if the actor accepts a valuator's definition of himself as "person," "male," etc., he is also likely to accept his valuation of him as an "educator."

Both positive and negative self-labelling will occur only if the labeller is a primary other to the labellee. This would rule out most labelling applied by official social control agents who, due to inevitable social distance, are in most cases only secondary others to the labellee. It follows logically that any positive role valuations by a primary other may be incorporated into the actor's self-identity if the actor's primary self-concept is positive (e.g. "I am a competent person"), as a result of the valuator's primary significance to the actor. Similarly, it seems reasonable that primary others' negative reactions to the actor's role behaviour will be incorporated into the self-identity if the actor's self-concept regarding his primary roles is negative (e.g. "I am a non-person").

But what if an actor has a positive primary self-identity and a primary other changes his valuative reactions in regard to the actor's primary or secondary roles?—as often happens when concerned relatives react negatively to the actor's suddenly disordered conduct. In this case, it would seem necessary for a complex transformation to occur in order for self-labelling to result.

Since labelling theorists have largely failed to deal both with the problem of continuity between social labelling and self-labelling and with that of compatibility between established labels and subsequent social labelling, it seems useful to distinguish here between primary (categoric) labelling and secondary (descriptive) labelling.

A *categoric label* refers to one's basic social and self-identity and is related to his position, rank, sex, class, etc. It categorically classifies him, in his own eyes, and in the eyes of others, as a "success" or a "failure," as "in" or "out," "good" or "bad."

A *descriptive label* refers to concrete behaviour, which is usually related to one's secondary roles. A descriptive label might be positive or negative. It would be incorporated into the self-identity if the labeller were primary and if the descriptive label was compatible with his categoric label. Descriptive labels, usually resulting from ongoing processes of social typing in small groups (Strong, 1943) can only stick within the category. If one's categoric identity label is that of "intellectual," the additional descriptive label "intellectual bum" is still compatible with his categoric label, although it is negative. But the descriptive label "dumb" cannot stick unless you first delabel the person as an intellectual. Similarly, if one's categoric label is

that of "successful business man," the label "schlemiel" will not stick unless you delabel him first. But the label "alcoholic" might stick since it is not incompatible (this might explain the relative success observed in delabelling and relabelling "alcoholics" (Trice and Roman, 1970). Here it might be noted that the label "schizophrenic" in some societies might not be incompatible with the role of "respectable head of household". The rejecting categoric degradation of schizophrenics as persons (Goffman, 1961; Nunnally, 1961) seems to be more characteristic of Western society.

Now, labelling theorists have not explained hitherto how negative labels stick to previously established labels. There is a difference between a labelling process through which a wayward youth or a pauper is labelled a "thief" and the case when a rich professional is so labelled. In the first case the descriptive label "thief" is categorically compatible with waywardness or poverty in the sense that the actor is an outsider or a failure to begin with. (It seems that many labelling theorists, particularly Matza (1969), have limited their analysis to this case). In the second case, however, a labelling transformation process is needed to make the label stick from the actor's perspective.

The Roots of Self-Labeling

The model which will be presented herewith briefly draws on four sources:

1. psychological literature on pathological distortions in self-perception and processes of self-misrepresentation;
2. social-psychological interaction theory of social typing and transformation processes;
3. anthropological sources related to the cultural meanings attributed to various naming procedures;
4. theological belief systems concerning human nature, underlying social and self-labelling contexts.

The four perspectives commonly view self-labelling as an outcome of the specific interaction between man and his environment. They are, therefore, naturally inter-related. But the relative dominance of any one will depend on the specific context in which the labelling occurs.

1. Auto-suggestive labelling (the psychological perspective)

In auto-suggestive or introjective labelling, transformation results from an intra-psychic process. Self-labelling is not triggered by social labelling or societal reactions, although it might be followed by them. The key explanatory concept here is modelling; that is, labelling oneself according to the character features or total personality of an imagined or known figure.

Although modelling usually refers to cases when others' behaviour influences the self, the point here is that there is no directed evaluative reaction or social labelling involved in this case of self-labelling. Societal reactions and/or social labelling *following* self-labelling might be compatible or incompatible with the self-labelling.

In most cases, self-labelling comes to reduce strain. One might label .

himself "thief", "swindler", or "failure" in reaction to imaginative or actual (but undetected by others) norm violations or self-disappointment. The strain produced by feelings of guilt or incompetence is reduced through self-blame and self-labelling. An extreme example is when the strain of just being oneself is so unbearable that the actor diverts attention from himself and labels himself somebody else, say Jesus Christ or Napoleon.

Interestingly, although societal reactions of primary others are usually forthcoming to this kind of self-labelling, these reactions may not be compatible with self-labelling, *e.g.* when family members or professional helpers try to convince the labellee that he is David, not Napoleon. And if a professional diagnostician labels him "schizophrenic", he will probably reject this label, at least temporarily, and insist that he is Napoleon. It is important to note here, of course, that the labellee might react to some transcendental primary other—say God or a dead relative—who, he believes, conferred the label on him. But this is not the same social labelling referred to in traditional labelling theory. In other, less extreme or more adaptive cases of self-labelling, the actor may misrepresent himself under a false label by emulating a selected model. In cases of calculated self-labelling like this, people use all the gadgets of "impression management" described by Goffman (1959) to elicit appropriate and desired societal responses to reinforce the self-assigned label. These cases range all the way from the full-fledged impostor to the office clerk who plays the role of junior executive.

Again, although in the final analysis auto-suggestive self-labelling usually involves some societal reactions eventually, the labelling transformation process is reversed because self-labelling arises within oneself. Thus, self-labelling is the independent variable and the resultant social labelling and societal reactions are dependent variables.

2. *Transformative labelling (the social-psychological perspective)*

If no intra-psychic labelling process occurred and an assigned label is incompatible with an established categoric self-identity label, then categoric delabelling must occur before the new label will stick. The process is well known from social psychological literature of transformation processes and will thus be presented very briefly.

In reviewing literature describing self-reconstitution processes, such as conversion, shamanism, thought reform, Synanon and military indoctrination, Sarbin and Adler (1970-71) identified specific operational phases common to all change systems. These include:

- (a). destruction of old identity;
- (b). the influence of significant others; and
- (c). ritual involvement in the new self.

(a) *Destruction of old identity* (categoric delabelling). The theme of symbolic death or destruction of the old identity label, as a pre-requisite for acquiring a new categoric label, was found to be a recurrent theme in all self-reconstitution systems, whether it took the form of a public degradation ceremony (Garfinkel, 1956), the stripping or mortification of the self in Goffman's

(1961) terms, or the ritual dying ceremony of the volunteer convert or the prisoner who is brain-washed. The assault on the labellee's old categoric identity can be brought about by the "hot seat" therapy used in some groups, by Synanon's "haircut" sessions, or by accusations and torture. But these procedures must break old loyalties and lead the old self-identity into total crisis and bankruptcy as described by Schein (1958), Lifton (1961) and others.

(b) *The influence of significant others.* It is apparently easier to bring about the degradation and mortification of one's old categoric label than to make the new categoric label stick, especially from the actor's perspective. Garfinkel (1956) tells us about "successful public degradations". Becker (1963) contends that "a deviant is one to whom that label has *successfully* been applied". But conditions for successful deviant self-relabelling are generally unknown. In line with interaction theory, valuators of the new categoric label must become primary to the actor in order for self-labelling to occur. The role of significant others functioning as role models has also been found in all self-reconstitution systems.

The representative other—whether priest, guru, therapist, sergeant, coach, professor or guard—usually functions as a teacher who reinterprets reality and values the actor's new behaviour.

The significance of these powerful others to the actor may be no more than secondary at first. But to the extent that the previous categoric label and old loyalties were successfully destroyed, the significance of the new helpful other may become primary. This has proved to be the case in voluntary conversion; but in brain-washing or coercive negative labelling, it seems to be the major stumbling block in the process of self-relabelling, as described in Schein's (1958) account of attempted brain-washing.

(c) *Ritual involvement in new behaviour.* It seems unlikely that one would label himself a "soldier" or "hassid" just by reading about army life or hassidism—or even by being officially drafted or socially labelled a "hassid". In order for self-relabelling to occur, one has to be organismically involved in the new role carrying that label.

After disinvolvement in the old categoric identity is successfully accomplished *via* ritualised or symbolic death procedures, the actor's involvement in his new categoric label must be functional. Organismic involvement in most self-reconstitution systems was found to be functionally geared to re-organise the boundaries of the new self. Kneeling, ecstatic dancing and singing, speaking in "tongues", hunger, prayer, regulating breathing and other methods were used to focus the actor's concentration on the new identity and to induce quietude in it.

From a social-psychological perspective, then, categoric self-labelling transformations occur if, after delabelling, one becomes organismically involved in the new label and if the labeller becomes a primary other to the actor. But there are two other processes of self-labelling in which these variables are not necessary conditions.

3. *Transmutive labelling (the anthropological perspective)*

"Nomen est omen", says the Latin phrase. Self-labelling refers in essence to the process of acquiring a belief about oneself. Thus, if I behave as the label says (under coercion or voluntarily) and my primary others react to me as such, then "I must be it"—"I am what the name says". Naming systems and their concomitant acquisition of beliefs about self are culturally bound. In ancient and primitive societies the process of naming implied creation, authority and control over the named person (Fortune, 1932; Sarna, 1966).

The custom of giving a child the name of some outstanding personality, in the belief that the essence of the namesake would be transmitted to the child, is well known in both primitive and modern societies (Honigman, 1954). Some Africans have been known to take on the names of European ship captains in order to acquire the supernatural power that they thought the white man had (Ruel, 1971). A person without a name is often not considered a real person. Goffman (1961), for example, considered the loss of one's name in asylums as a major parameter in the process of self-mortification. In some tribes the child is thought of as a nonentity until it is named; and, if it dies before the naming ceremony, it is not even buried (Stenning, 1965, p. 390).

The magic power attributed to naming is often extended to various kinds of name manipulations and renaming processes. Renaming of the patriarchs and prophets during Biblical times was said, for example, to have transformed their character and destiny (Sarna, 1966). Three forms of name manipulation can be mentioned:

(a) *Name pronunciation*. In some societies pronunciation of specific names is believed to inflict disease on people, cure them (Fortune, 1932), or provide the demons with power to command evil against them (Brendt and Brendt, 1967). Hence a night name (Abbie, 1969) or a derogatory name (*e.g.* "filth") (Encyclopedia Britannica, 1970) might be used to mislead the devil.

(b) *Name inscription*. The execration technique practices in ancient Egypt involved smashing a piece of pottery inscribed with the name of the enemy to destroy his power (Pritchard, 1955). Similarly, various customs involving manipulations of name inscriptions to cure people are widely practised among Oriental Jews and Arabs in the Middle East.¹

(c) *Name changing*. In many societies an ill person's name is changed in order "to strengthen his soul" or to change his fortune (Burrows and Spirow, 1957). Likewise, the Jewish custom of adding the name "Haim" (life) to the gravely ill is believed to help save his life (Babylonian Talmud, translated, 1938).

In general, the magic process of naming in which the labeller and labellee believe that transmuting power is inherent in the act of naming itself can be equated with the self-fulfilling prophecy process. Transmutive labelling must not necessarily be derogatory. Since labelling is externally induced, the

¹ Two of my students have observed that, among Jews from Kurdistan, name manipulation procedures closely akin to execration techniques are very popular. For example, the eating of a cake with the troubled person's name engraved on it has been observed.

process might operate effectively in both directions: the prince can be turned into a frog, and the ugly frog into a prince.

The transmutive labelling process appears more characteristic of Eastern and primitive societies. Here the labeller, who is usually believed to possess alchemic power by virtue of his status (fairy, holy man or medical man), might be a secondary other to the labellee, yet social labelling will result in self-labelling because of the magic power attributed to the naming *per se*. A process of social reification occurs in which social naming is the independent variable and behaviour accompanying self-labelling is the dependent variable, as often happens in the extreme case of Voodoo death.²

This magic process is to be distinguished from cases in which the label merely describes some aspect of the labellee, but has in itself no transforming power from the actor's perspective, and from cases in which the name is used among other labels to signify the ascriptive category into which the labellee should be placed.

The signifying labelling process embedded in a specific theological belief system which is presumed to dominate the Western hemisphere will be described below.

4. *Indicative labelling (the theological perspective)*

How can social labelling trigger a self-fulfilling labelling process, as many labelling analysts presume, if no magic power is attributed to the labelling *per se* or to the labeller and if one has not gone through the full process of transformative labelling?

The proposition advanced here is that a self-fulfilling labelling process is possible if labeller and labellee believe in man's *a priori* categoric ascription which the labelling process signifies. A derogatory label would be used to indicate that the labellee is originally and categorically "bad"—regardless of what he appears or claims to be. "He was always a no-good", as people say. Here negative labelling is not the efficient *cause* of deviance, it is only an aid to the independent variable: *a priori* categorisation. Signifying labels have no magic transforming power and many names may serve the indicative purpose of exclusion or inclusion in the original category.

A good example is the Protestant belief in the doctrine of predestination, which presumably affected Western society in many ways (Weber, 1930; McClelland, 1961; Eisenstadt, 1968; Rotenberg, 1975). According to the doctrine of predestination, man's life is characterised by constant doubt as to whether he was assigned, prior to his birth, to the category of the hopeless "damned" or to the graceful "elect". He thus forever searches for reassuring signs of election and grace. According to Weber (1930) and McClelland (1961), striving and its consequent material "success" serve as technical proof that one was assigned to the elect—or rather they help man

² A counter example in Western society of magic belief attributed to a diagnostic label has been documented by Gordon Alport (1964). Alport describes a dying patient who was led to believe by his physicians that his disease was incurable because the diagnosis was unknown. When he finally overheard a famous specialist diagnose it as "moribundus," the patient was cured. After many years, he thanked the diagnostician for saving his life—although "moribundus" means incurability. For him, the assignment of any diagnostic label meant he would live.

rid himself of the fear of damnation. Thus, behavioural features such as striving and competing, which are commonly referred to as the Protestant ethic, have now become generalised Western norms. Since we know virtue through vice, beauty through ugliness, and normality through abnormality, by the same token one would seek signs to identify the "damned" in order to ascertain his self-definition as "elect". Resharpener the lines between the deviant-damned and the conforming-elect is one of the functions of deviance in Western society (Erikson, 1959). In Western society lack of success is self-perpetuating in many facets of life. Consider the high probability of lower-class deviants being labelled schizophrenic, rather than neurotic, and being institutionalised rather than receiving psychotherapy (Hollingshead and Redlich, 1958).

Indicative labelling³ is not an independent variable explaining the genesis of deviance, as Lemert (1967) suggested; labelling, as such, is merely a *signifying* act of identification and recategorisation.

In indicative labelling it is sufficient for the labeller to be a secondary other (e.g. social control agent) for self-labelling to occur if the labellee believes in the categoric signs he or others produce. Hence, if one ceases to produce success signs and reaches the point of self-doubt, a vicious circle of self-victimisation⁴ is set in action and results in social and self-labelling effectively placing the person in the basic irreversible damned category. It seems that major labelling formulations and what can be termed the recent "anti-labelling crusade" are implicitly directed at the innate and irreversible conception of deviance which presumably dominates the West.

Preliminary Evidence of Differential Self-Labelling

To explore how self-labelling originates and operates differentially, we began by operationalising and comparing two major self-labelling systems: "transmutive labelling", presumably characterising mostly Eastern societies, and "indicative labelling", presumably characterising Western society.

Thus, we generally hypothesised that while the label "schizophrenic", for example, might be perceived by mental patients of European descent as an "indication" of an innate irreversible state, this label might be perceived by mental patients of Eastern descent as an externally induced "scientific demon" which could be believed curable *via* renaming magic-alchemic processes (e.g. to re-diagnose the patient as "uniphrenic"). Consonant with Goffman (1961) it was also generally hypothesised that differences in self-labelling between Eastern and European mental patients would be more pronounced during the early stages of hospitalisation and that extended

³ An example of a physiological indicative method for recategorisation might be *phrenology*, the "scientific" method for analysing the mind-phrenia by examining the shape of the skull. During the nineteenth century, Combe and Gall used phrenology to determine whether insanity or criminality was innate, i.e. whether people were born so.

⁴ Here abused or misperceived "insight therapy" may reinforce the self-victimisation circle rather than achieve the more difficult task of breaking it. Similarly, voluntary hospitalisation of "mental patients" may serve only to enhance the process of self-victimisation by arranging for the person himself to conclude that, as a hopeless "damned," he belongs in the other world.

hospitalisation can be seen as a Westernisation process, as a result of which "indicative labelling" would be the predominant pattern of self-labelling.

Subjects and sampling

Subjects for our illustrative-explanatory study were 40 adult mental patients, all diagnosed as schizophrenics, who were selected according to simple stratified random sampling procedures from three mental hospitals in Israel. Out of the total sample, 20 Ss were males and 20 females, 24 were old-time patients (over four years in hospital), and 16 were new patients (three weeks to one year in hospital) 20 were of European descent and 20 of Eastern descent. All 20 Eastern Ss had not more than eight years of schooling and all of the European Ss had at least nine years of schooling. (Since education in Israel is a major component of Westernisation, we controlled for educational level to avoid the possible effect of an intervening variable). Age of Ss ranged from 17.5 to 58. The mean age of the new patients was 24.5 and the mean age of the old patients was 33.5. While old-time patients were allowed short furloughs (if they had somewhere to go), new patients were restricted to hospital quarters. European and Eastern samples were subdivided so that approximately half of the European Ss and half of the Eastern Ss were old patients, and half of the Eastern Ss and half of the European Ss were new.

Method and procedure

To explore general differences in self-labelling among mental patients, "indicative self-labelling" was operationally defined on the basis of five variables: (1) when the patient perceived himself as sick; (2) when he perceived his disease to be innate and having originated within himself; (3) when he perceived his state to be incurable; (4) when he did not believe in magic-alchemic recovering procedures; and (5) when he felt rejected by his social environment. Conversely, "transmutive self-labelling" was operationally defined on the basis of the same five criteria; (1) when the patient described himself as healthy; (2) when he perceived his state as being externally induced; (3) when he felt that his condition was reversible; (4) when he believed in magic-alchemic recovering procedures; and (5) when he felt accepted by his significant others and his social environment.

After extensive pre-testing, a structured interview for eliciting open responses along the lines of the above five criteria was constructed. Based on the information obtained from the interview, these five criteria were used as dependent variables, while ethnic origin and time spent in hospital were used as independent variables.

Due to the exploratory nature of the open-ended answers, responses were divided into only two categories. Thus answers corresponding to the five dependent variables were dichotomized as follows:

SELF-LABELLING THEORY: PRELIMINARY FINDINGS

	<i>Indicative</i>	<i>Transmutive</i>
A. Perception of situation	<i>Sick</i>	<i>Not sick</i>
Examples of answers	I have a nerve disease, I am depressed and sick.	I was brought here for no good reason, I am okay.
B. Perception of problem origin	<i>Innate</i>	<i>External</i>
Examples of answers	My disease grew inside me, I was born so.	Snakes picked on me, supernatural powers punished me.
C. Perception of curability	<i>Hopeless</i>	<i>Hopeful</i>
Examples of answers	I cannot be cured, no chance after twenty years.	I can get better, of course I can change.
D. Belief in alchemic recovery	<i>Disbelief</i>	<i>Belief</i>
Examples of answers	I don't believe in this nonsense, I believe in scientific medicine.	I was given an amulet and it helped, smelling a black dog helps.
E. Perception of societal reactions	<i>Rejection</i>	<i>Acceptance</i>
Examples of answers	I was degraded, friends consider me crazy, no visits.	My family treats me nicely, my friends are nice to me.

The independent variables were also dichotomised:

- A. Ethnic origin.
Western—S or both parents born in Europe or United States.
Eastern—S or both parents born in Asia or Africa.
- B. Time in hospital.
Long—four years or more.
Short—from three weeks to one year.

To control for the possibility that answers might be affected by drug consumption (given at different hours of the day) or the presence of other people, all interviews were conducted during the morning hours in an isolated room with no one present but the interviewer. Subjects were told that the interviewer was engaged in a research project and was interested in their opinions and beliefs concerning various subject-matters related to human nature, the hospital and mental illness, and that naturally participating in the interview was voluntary.

Results

To determine differences between the two independent samples with respect to the five dependent variables, a χ^2 analysis was employed when

$N > 20$ and the Fisher exact probability test was used when $N < 20$, *i.e.* when sub-groups were compared.

Since our general hypothesis was that the differences between the Eastern and Western samples, in relation to the dependent variables, will be significant only during the early stage of hospitalisation, the following testing procedure was employed.

In relation to each dependent variable, a Fisher test was first used to compare new Eastern patients with old Eastern patients and new Western patients with old Western patients. Then a χ^2 test was made to compare all "new patients" with all "old patients", regardless of ethnic origin.

A. *Perception of situation.* In response to questions asking patients to describe themselves as sick or healthy, only two out of eight Eastern new patients perceived themselves as sick, whereas 10 out of 12 Eastern old patients described themselves as sick (according to the Fisher test, $P < 0.025$, one-tailed). Among Westerners, five out of eight new patients and 11 out of 12 old patients described themselves as sick (according to the Fisher test, $P > 0.05$, one-tailed). Thus, while among Easterners ($N = 20$) significantly more new patients described themselves as healthy as compared to old Eastern patients, among Westerners ($N = 20$) most described themselves as sick and no significant difference between old and new patients was found.

Upon performing a χ^2 test on all patients ($N = 40$), significantly more old patients (21 out of 24) than new patients (7 out of 16) were found to perceive themselves as sick ($\chi^2 = 6.9$, $df = 1$, $P < 0.005$, one-tailed.)

B. *Perception of problem origin.* While seven out of eight new Eastern patients felt that their problems were externally induced, only three out of 11 Eastern old patients felt so. (According to the Fisher test, $P < 0.025$, one-tailed.) ($N = 19$. Note, whenever $N < 20$ in the sub-groups, answers were either not received or disqualified.) Among Westerners ($N = 17$), however, eight out of 12 old patients and three out of four new patients felt their problem was innate (Fisher test $P > 0.05$, one-tailed.) Thus, while among Easterners significantly more new patients than old patients attributed their problems to an external cause, among Westerners most felt the problem to be innate and no significant differences between old and new patients were found. Upon performing a χ^2 test on all patients ($N = 36$), significantly more old patients (16 out of 21) as compared to new patients (4 out of 15) perceived their problem as innate ($\chi^2 = 7$, $df = 1$, $P < 0.005$, one-tailed.)

C. *Perception of curability.* Among Eastern patients ($N = 19$) eight out of 11 old patients did not believe in their chances of being cured, and all eight Eastern new patients believed that they could be cured (according to the Fisher test, $P < 0.005$, one-tailed). Similarly, however, among Westerners ($N = 18$) six out of 11 old patients did not believe in curability, while all seven new patients believed in their chances of being cured (Fisher test, $P < 0.025$, one-tailed). Thus, all new patients, regardless of ethnic origin, believed significantly more than old patients in their chances of being cured. The χ^2 test on all patients ($N = 37$) confirmed the above ($\chi^2 = 12.7$, $df = 1$, $P < 0.005$, one-tailed).

D. *Belief in alchemic recovery procedures.* Interestingly, while among Easterners

($N = 17$) eight out of nine old patients believed in alchemic recovery procedures, only one out of eight new patients believed in magic curative methods. (According to the Fisher test, $P < 0.005$, one-tailed.) Nevertheless, among Westerners ($N = 20$) only one out of eight new patients believed in magic treatment and none of the 12 old patients believed in the effectiveness of such methods (Fisher test, $P > 0.05$, one-tailed). Thus, only old Eastern patients believed significantly more than new Eastern patients and all Western patients in magic recovery procedures. A χ^2 test on all patients ($N = 37$) indicated that there were no significant differences between old and new patients in their belief in alchemic treatment ($\chi^2 = 1.7$, $df = 1$, $P > 0.05$).

E. *Perception of societal reactions.* Five out of nine Eastern old patients ($N = 20$) felt accepted by their social environment as did nine out of 11 new Eastern patients (according to the Fisher test, $P > 0.05$, one-tailed). Among Western patients ($N = 20$) only one out of seven new patients felt rejected but 10 out of 13 old patients felt rejected by their significant others (Fisher test $P < 0.025$, one-tailed). A χ^2 test on all patients ($N = 40$) indicated that all old patients (14 out of 22) felt significantly more rejected than did new patients (3 out of 18). ($\chi^2 = 7.12$, $df = 1$, $P < 0.005$, one-tailed.)

Discussion

Although no conclusive evidence can be drawn from our small-scale exploratory study which was intended to be illustrative of the theory presented, significantly interesting results in the expected direction were obtained.

The general hypothesis of the present study was that Western mental patients will perceive their situation in "indicative labelling" terms and that Eastern mental patients will perceive their condition in "transmutive labelling" terms. It was also hypothesised that extended hospitalisation will enhance Westernisation and hence result in increased indicative labelling (referring mainly to Eastern patients). Thus, operational referents of Westernisation in terms of "indicative labelling" were: perception of self as sick, perception of sickness as innate, feeling of rejection, disbelief in chances of recovery, and disbelief in magical curative methods. It was found that the Western new patient perceived himself as sick and his sickness as innate. He did not believe in magical recovery methods, but he did believe in his chances of being cured, and he still felt accepted by his significant others. While the first three variables can be interpreted in Western indicative terms, there seems to be a slight contradiction between perception of the schizophrenic state as innate and the belief in curability. One possible speculative explanation for this reality might be that in contrast to straightforward mediaeval witch-hunting of the mentally disturbed (Szasz, 1970), the contemporary medical model has a built-in "scientific disguise" which fosters the "release binge fantasy" (Goffman, 1961) and misleads the patient and his accepting significant others, at least during the early phase of hospitalisation, into believing that he is curable, and that he was

"temporarily" hospitalised "only for his own good". On the other hand, the belief in curability might simply reflect the typical reluctance of any new patient to accept his irreversible condition and, similarly, the expression of acceptance by concerned others might reflect merely their need to relieve guilt feelings.

Nonetheless, the Western old patient was found to perceive himself as sick, incurable, rejected (all Western old patients were unmarried). He disbelieved in alchemic recovery procedures and he believed his disease to be innate. That is, he conformed fully to Western "indicative self-labelling", the longer he stayed in the hospital.

The Eastern new patient described himself as healthy and accepted, he believed in his chances of being cured, he attributed his "temporary" problem to external causes, but he did not believe in nor was he familiar with alchemic curative methods.

The Eastern old patient labelled himself as sick, believed that his disease originated within himself and that he could not be cured, but felt accepted and, surprisingly, also believed in the effectiveness of alchemic curative methods that were performed on him or others. Thus, while for three variables one can notice the Westernising impact on old Eastern patients towards increased indicative self-labelling, the belief of the old Eastern patient in magical recovery methods in contrast to the disbelief of the Eastern new patient in such procedures is puzzlingly unexpected.

This contradiction can be reconciled as follows. Since Israel is predominantly a Western country and alchemic curative methods are illegal, the new and usually young patient might not have had a chance to become familiar with such practices. He learned, however, during early socialisation, to perceive problems as being externally induced. As time of hospitalisation was extended, he became increasingly exposed to two conflicting socialisation systems: the Western system dominating the hospital, and the Eastern system, activated by his accepting ethnic group during furloughs. There is ample evidence showing how Eastern ethnic groups not only accept their mentally disturbed members, but also use various magic faith-healing procedures, which are geared to re-integrate the deviant into his social group. For example, during our field-work in Yemenite villages, we met an ex-mental patient who became a professional "book opener" in his village, *i.e.* a holy man who is familiar with various magic curative methods such as name manipulation techniques through "opening holy books" ⁵ to read selected, individually suited, verses in the scriptures. This man was highly respected among the villagers who utilised his services quite frequently. In another case (recorded by Dr. A. Menkes) the reaction of neighbours and the husband of a mother of six children who, during periodic "psychotic" outbursts, would attack people and steal, was one of pity and tolerance (*e.g.* recovering stolen goods in the evening). In general, the scene of family and friends gathering in groups to listen to and sympathise with

⁵ According to an experienced Israeli anthropologist, such "curative" name manipulation techniques are as common among Eastern Jews and Arabs as drinking tea upon catching a cold among Westerners.

"deviant" people, who dramatically describe their fears or hallucinations, seemed quite usual.

While this is common practice during furloughs, the conflicting socialisation pressures on the Eastern old patient seem to cause great confusion within him, which is apparently reflected in his feeling that his sickness is innate and irreversible on the one hand, but that he is accepted by his group and that their magic methods can cure him on the other hand.

When samples were combined, our findings indicated that all old patients, regardless of ethnic origin differed significantly from new patients in that they described themselves as sick, that they felt rejected and that their sickness was innate and irreversible, and in their disbelief in magic recovery chances. Thus, indicative labelling appears to be the predominant self-labelling pattern after extended hospitalisation, which suggests that a process of "transformative labelling" operates in the hospital, which delabels people considering themselves to be "healthy" and relabels them as born "sick".

Considering our small *N* and the fact that subjects were Eastern and Western Jews living in Israel and not Protestants living in the West compared with subjects living in Eastern countries, these preliminary findings seem to provide some illustrative evidence concerning the nature and operation of differential self-labelling. Though inconclusive, these results raise serious questions about hospitalisation effects when labelling is studied from the actor's perspective, especially in relation to patients of Eastern descent.

Summary

Differential aspects of self-labelling involved in the process of becoming deviant were hitherto largely ignored by labelling analysts. To expand the labelling paradigm a general scheme for analysing the sources and properties of self-labelling was presented. The model proposed four levels at which self-labelling may occur: (1) auto-suggestive labelling, in which self-labelling arises within the person as a result of intra-psychic processes of distortion and misrepresentation of self; (2) transformative labelling, in which self-labelling results from a social psychological transformation process of delabelling and relabelling; (3) transmutive labelling, in which self-labelling results from a belief in the magical power of naming procedures; (4) indicative labelling, in which self-labelling results from the belief in one's *a priori* categoric ascription which the label indicates.

Preliminary evidence of differential self-labelling among new and old Eastern and Western mental patients in Israel was presented. Results indicated generally that, while "transmutive self-labelling" was the predominant pattern of new Eastern patients and "indicative self-labelling" was characteristic of Western patients, as time of hospitalisation increased "indicative labelling" became the predominant pattern of most patients, regardless of ethnic origin.

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A REHABILITATION HOSTEL FOR DRUG USERS: ONE YEAR'S ADMISSIONS

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THIS article is concerned with a provincial residential therapeutic community for the rehabilitation of ex-drug users which is based on similar programmes in America such as Synanon (Yablonsky, 1967), Daytop Village (Collier, 1973) and Phoenix House (Biase and Rosenthal, 1969). Unlike many British therapeutic communities Seatown House, as the community is called here, is not permissive but is authoritarian and hierarchical (for a description of more traditional therapeutic communities see Jones, 1968; Rappaport, 1961; and Martin, 1962).

The programme was originally started as a unit of the local psychiatric hospital in June 1968, in response to the concern that developed following the sudden increase in the number of heroin addicts known to the Home Office between 1959 and 1966 (Bewley *et al.*, 1972; Hawks, 1973a). At first the unit had less than 10 residents and it is generally agreed that it did not develop into a therapeutic community until December 1969 when the male nurse in charge of the unit returned from a visit to the Phoenix House programmes in America. Between that date and June 1971 it developed, slowly at first and more rapidly later, into a community more like those at Phoenix House in the United States. In June 1971 the programme transferred from the hospital to a house in the town and at the same time came under the administrative control of the local authority Social Services Department. This paper reports on the first year of Seatown House as a local authority rehabilitation hostel (June 1971-June 1972).

The Programme

The programme¹ is based around certain assumptions about the reasons for using drugs, the nature of drug use, and the consequences of such use. Drug use is considered to be a symptom of underlying pathology. Some problems are seen to be the result of drug use, but the problems of most drug users are considered to pre-date their drug use, many stemming from poor or abnormal family relationships. Users are said to have personality or character disorders, terms which indicate that those entering the programme are typified by poor relationships, unrealistic self-assessments, impulsiveness, failure to grow up, sexual problems, amorality, inadequacy in dealing with life's problems and failure to face reality. However, the residents of Seatown House are not considered by the staff as "sick." They have voluntarily chosen drug use as the means of solving their problems. Such drug use is ultimately a non-solution which creates more problems than it solves, especially a physical and mental deterioration and a purposeless

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¹ The description of the programme was written in 1973 and it is possible that certain details may have changed since then.

A REHABILITATION HOSTEL FOR DRUG USERS

life style, but since they have voluntarily chosen to use drugs, they can also voluntarily choose to give them up and learn to use more effective means of solving their problems.

Referrals to Seatown House vary from the 15-year-old pot-smoking schoolgirl who speaks to a staff member after a talk by him at her school to the 30-year-old heroin addict sent by the courts after being convicted of drug possession and dealing. The most "successful" sources of referral, in terms of having those referred admitted, are other rehabilitation programmes (75 per cent. "success"), the courts (65 per cent. "success") and social workers (60 per cent. "success"). However, despite their "success" social workers refer only a very small number of people to the programme (3 per cent. of all referrals). Referrals who are in prison are visited there by programme staff, are given information about the house and questioned concerning their motivation to change their behaviour by entering the programme. A similar process occurs for some referrals who are not in prison but who come to a local office of the Social Services Department where they meet staff and senior residents. Many referrals are heard of only once and no direct contact is made with them, but others, especially if they have come from some distance, come directly to the house for confrontation (questioning as to their motivation to change).

In theory all residents are admitted voluntarily in the sense that they want to make the attempt to change themselves, and any resident is free to walk out of the door at any time. In practice the choice for many is between the programme and prison or borstal—a choice which sent one person, at least, to Seatown House: "When I came I had no intentions of giving drugs up, I just wanted to get out of borstal. . . . I was frightened to death of borstal, I didn't have any motivation. I was there for a month and I could see that I wasn't going to get out for a year and I thought it wasn't ever possible to give it up once you were a junkie. . . ." About two-thirds of those admitted come entirely voluntarily. If drug users are to be sent by the courts staff prefer that they should first be bailed to Seatown House for a few weeks. However, this does not happen very often, only eight times within the test year (11 per cent.). (See Table 1).

TABLE 1
Status on Admission and Status Changes

	No.	%
Entered on condition but never completed condition	12	19
Entered on condition, completed condition and stayed on	2	3
Remanded on bail, given a condition, but did not complete	5	7
Remanded on bail, given condition, completed condition and stayed on	3	4
Entered voluntarily and stayed voluntarily	40	60
Entered voluntarily and then put on condition	5	7
Total	67	100

The majority of residents subject to a condition to reside at Seatown House receive it before being admitted (14, 22 per cent.), but, besides those bailed

to Seatown House, there were five residents who initially entered voluntarily but were later given a condition of residence. 19 residents in all had either a trial pending or were awaiting sentence when they were admitted.

When a resident arrives at Seatown House his past status is of no consequence; he has to earn his status, privileges and responsibility within the house by acting in a way that shows he is reliable and has concern for others. Status within the community is gained or lost by means of rewards and punishments as in any other community. Punishments include being "told off," having to wear a placard which states the culprit's error and, on certain occasions, having one's head shaved. Rewards include praise, increased privileges and extra pocket money. The main process of status change, however, is movement up and down the resident hierarchy of the house. When a resident first comes to Seatown House he is put on a "crew," that is, he is made a member of a work team. If he does well he may be promoted to "ramrod" (foreman) or department head (*i.e.* he organises a work team). He may even be made responsible, under staff direction, for the running of the whole house (chief expeditor or co-ordinator). If he does not do well he may be demoted to a lower position or even "shot down to the dishpan," the lowest job in the house, constantly washing-up.

Such status changes and the strict nature of the programme mean that residents are frequently, and deliberately, put into situations of stress. They are not supposed to react immediately to this situation but should keep their complaints until the next "encounter." Encounters are group meetings where members confront one another about their behaviour and attitudes. An individual is assisted by the other members of the group to look at those aspects of his behaviour and opinions that are considered suspect and to try to develop ways of changing them. In a therapeutic community such as Seatown House the encounter acts as a valve for frustration as well as a technique of group psychotherapy.

There are five phases through the rehabilitation programme:

1. Pre-phase: the resident is on probation during this period, about two or three months, and has to prove to staff that he has the correct personal attitude and is competent in operating the various appliances, such as the telephone switchboard, in Seatown House.
2. Phase I: during this phase, which lasts from six to nine months, the resident lives and works in the house, while working his way up through the structure. He is expected to involve himself fully in the life of the house and to internalise its concepts—or at least "to act as if" he had internalised them.
3. Inter-phase: this is a test period during which a resident is evaluated by staff and prepared for Phase II.
4. Phase II: the resident continues to be in treatment but goes out to work or college each day while continuing to live at the house.
5. Phase III: the resident has completed the programme; he now lives and works outside the house and makes his own decisions about his own life. When the ex-resident and staff feel that he has successfully survived outside in the community, he will graduate.

The Research

Independent research was started in May 1972. From then until June 1972 every new entrant was questioned by a member of staff as soon after admission as possible and two schedules regarding social characteristics were completed. For those residents who had entered the house between June 1971 and May 1972 and had subsequently left, information was gathered from all possible sources (*e.g.* probation officers, social workers, doctors, relatives) including, in a few cases only, the ex-residents themselves. Those residents who were still at the house were, of course, interviewed there. Because so much of the information had to be gathered second-hand there remain many unanswered questions.

Length of Stay

There is considerable variation in the length of time spent in the programme. Some have stayed for as little as two hours and others as long as two years. Length of stay is difficult to tabulate because 17 of the 67 residents began treatment while the programme was part of the local psychiatric hospital. Table 2 shows that 22 (33 per cent.) of the residents had a total length of stay in the programme of over 100 days, but only 16 (24 per cent.) of these had been in Seatown House for more than 100 days.

TABLE 2

Length of Stay

Number of days	In Seatown House and hospital		In Seatown House	
	<i>No.</i>	%	<i>No.</i>	%
Less than 30	29	43	32	48
30 to 100	16	24	19	28
More than 100	22	33	16	24
Total	67	100	67	100

As might be expected, length of stay in Seatown House is positively correlated with the best position of responsibility attained. Anyone who had a position of authority within the house (*i.e.* ramrod, department head, chief expeditor or co-ordinator) was more likely to have stayed over 100 days, and if he entered Phase II he was certain to have stayed for more than 100 days. The result is hardly surprising since one of the factors taken into consideration when a person is promoted through the structure is the length of time he has been in the house. It is interesting to note, however, that while some may rise to a position of authority in less than 30 days others have no such position even after 100 days in the community.

During the year June 1971 to June 1972, 51 residents left the programme, 48 against advice, one was sent to prison after being in Seatown House for two weeks, one was asked to leave because his presence was felt to be too

disruptive to the house, and one was transferred to another similar community. There does not, however, appear to be any variation in the rate of "splitting" (leaving against advice) during this period. Throughout the whole period of operation the number of residents leaving against advice remained at 80-85 per cent. of the total number of admissions.

The Residents

1. *Sex and age*

Of the 67 residents admitted during the test year (June 1971-June 1972) 50 (75 per cent.) were male. The mean age was 21.6 years with a range of 14 to 40 years. The mean year of birth was 1949.

2. *Separation from parents*

Thirty residents (45 per cent.) had not been separated from either of their parents for longer than a year before they were aged 16. Two had been separated from their mothers only, and for both of these the separation came before they were five. Twelve (18 per cent.) had been separated from their fathers only, in seven cases before age five. Fourteen residents (21 per cent.) had been separated from both parents before they were 16 years old, and for five of these the separation occurred before they were five years old. Information is lacking in nine cases.

3. *Social class*

Measuring the social class of residents is somewhat unreliable since most, being young, have worked for only a short time and many have changed jobs frequently. The data concerning the fathers of residents are more reliable, and also it is possible to compare them with social class data for the general population of the county in which the house is situated. Socio-economic groups 5, 6, 7, 10 and 15 (non-manual and clerical workers, personal service, semi-skilled manual and agricultural workers) are under-represented amongst the fathers of residents as compared with the general county population, while members of the armed forces are over-represented. These differences, however, are not statistically significant.

4. *Work patterns*

Just over a third of the residents had started their working careers in steady employment but their work records had become irregular after a year or so. The other major work pattern, although it accounts for only 17 per cent. of residents, was one of unemployment with only sporadic short-term employment. Only nine (14 per cent.) had been working all or most of the time since leaving school, and six (9 per cent.) of them had had more than four different jobs; 36 (54 per cent.) had held a job for a year or more.

5. *Age on leaving school*

45 (68 per cent.) left school before age 16. Only three stayed at school beyond the age of 16, two until 17 and one until 18. One resident had not

A REHABILITATION HOSTEL FOR DRUG USERS

TABLE 3
Social Class

Classification (1)	S.E.G.	(2) Resident N.	(2) % N.	(2) Father N.	(2) % N.	County (1966) %	Gen. Pop. %
Professional worker	3, 4	0	0	2	3	4.4	4.5
Employers and managers	1, 2, 13	1	1	8	12	10.5	10.6
Foreman, skilled manual and own account workers	8, 9, 12, 14	18	27	22	34	36.7	39.4
Non-manual workers	5, 6	19	28	8	12	17.4	17.1
Personal service workers, semi-skilled, manual and agricultural	7, 10, 15	21	32	8	12	15.3	18.0
Unskilled manual	11	2	3	5	7	6.9	8.3
Armed forces and inadequately described	16, 17	(3)0	0	10	14	8.8	3.0
Student or at school	N.A.	4	6	0	0	—	—
Not known	D.K.	2	3	4	6	—	—
		—	—	—	—	—	—
	Total	67	100	67	100	100	—
		—	—	—	—	—	—

(1) Categories based on Registrar General's classification

(2) Social class classification based on best job.

(3) Although some residents had been in the armed forces this was never taken as best job.

yet left school and there were three about whom there were no data. The last school of the majority of residents (65 per cent.) was a secondary modern.

6. Qualifications

38 (57 per cent.) had passed no examinations, five had passed school leaving examinations, 12 (18 per cent.) had "O" levels, one had passed army examinations, two had passed nursing examinations and one had an ARCA diploma. (8 not known).

7. Criminality

37 (55 per cent.) were on probation at the time of their first admission. Another 18 had been on probation at some time, making 55 (82 per cent.) in all. Information is lacking in four cases. 20 (30 per cent.) were known to have been sentenced to prison (seven not known); 42 (63 per cent.) had been remanded in custody at some time (11 not known); 21 (31 per cent.) had been to borstal or detention centre (six not known); eight (12 per cent.) had been to approved school (nine not known), two to a remand home, and two to a probation hostel: 17 (25 per cent.) had received suspended sentences (seven not known); 22 (33 per cent.) had received a conditional discharge (eight not known); ten (15 per cent.) had received a compulsory treatment order (nine not known) and 41 (61 per cent.) had received other minor sentences including fines and having to visit an attendance centre (ten not known).

TABLE 4

Criminality

	<i>No.</i>	<i>%</i>
No evidence of any convictions	4	6
Suspended sentence, conditional discharge or fine but excluding probation	3	4
Probation but excluding institutionalisation	24	36
Borstal, detention centre, approved school or probation hostel, but excluding prison	12	18
Prison sentence	20	30
Insufficient information	4	6
Total	67	100

As can be seen from Table 4, only for four (6 per cent.) residents was there no evidence of any convictions (four not known).

8. *Drug use*

Although the majority (54, 81 per cent.) of residents had used opiates at some time only about half of them (32, 48 per cent.) had done so "regularly." The reliability of this measure of opiate use is rather suspect since it is dependent on the meaning ascribed to the term "regular" by each respondent. Eight residents had never used opiates (five not known).

TABLE 5

Opiate Use

	<i>No.</i>	<i>%</i>
Regular opiate use for 5 years or more	4	6
Regular opiate use for less than 5 years	15	23
Regular opiate use for unknown time	13	19
Opiates used but not regularly	20	30
Opiates used but regularity not known	2	3
Opiates never used	8	12
Not known	5	7
Total	67	100

Although the main drugs for 38 (57 per cent.) of the residents were opiates or a combination of drugs including opiates, the main drugs for another 22 (33 per cent.) did not include opiates (seven not known).

TABLE 6

Main Drugs

	<i>No.</i>	<i>%</i>
A combination with opiates	30	45
Opiates	8	13
A combination without opiates	8	13
Amphetamines	6	9
Barbiturates	3	4
L.S.D.	3	4
Cannabis	1	1
Mandrax and alcohol	1	1
Not known	7	10
	67	100

A majority of the residents (47, 70 per cent.) had injected themselves with drugs but only about half (31, 46 per cent.) had done so "regularly." There is the same problem of reliability here as with the "regular" use of opiates mentioned previously. Eight residents (12 per cent.) had never injected drugs (12 not known). Only two of the opiate users had never injected, and they were not "regular" users of opiates. Four of those who had never used opiates had injected themselves with drugs. Altogether 16 residents (24 per cent.) had been registered at and received prescriptions from a drug dependency clinic.

The earliest recorded age of first drug use was 12 years and 34 residents (50 per cent.) had used their first drug at age 16 or earlier (nine not known). The earliest recorded age of first opiate use was 14 years and seven residents (10 per cent.) had used opiates by age 16. The age at which the largest number of residents (15, 22 per cent.) began using opiates is 18 (12 not known).

Discussion

Seatown House was originally set up in 1968 as a result of the concern that developed following the sudden increase in the number of heroin addicts known to the Home Office between 1959 and 1966 (Bewley *et al.*, 1970, Hawks, 1973a). Since then, however, the pattern of drug use among that group thought to constitute problem drug-takers seems to have changed. Although the opiates are still widely used both legally and illicitly, most addicts also use other drugs (Hawks, 1973b), especially in the provinces (Ritson, 1971, Reeves and Plant, 1973). This pattern of poly-drug use is reflected in the drug use of those entering the House during the test year, only half of whom had used opiates regularly. In only eight cases were opiates alone the main drug used, while for 45 per cent. the main drugs were a combination including opiates; another third did not use opiates at all as a main drug.

For only four of the 67 residents is there no evidence of any convictions; 55 had been on probation at some time and 20 had been in prison.

The staff at the house are, and always have been, concerned about the large number of those who leave the programme before completion and against advice—"splitees". About five residents "split" every month and the number of splitees as a percentage of the total admissions has always been in the eighties. At one time it was thought that if residents were sent to the house by the courts on a condition to reside there this would prevent them from splitting. Although the data do indicate that this is so (27 per cent. of those staying more than 100 days and only 7 per cent. of those staying less than 30 days were on a condition to reside at Seatown House), the difference is not statistically significant. 40 per cent. of the residents admitted have been there on a condition at some time during their stay, most of them at first entry but including 11 per cent. who were remanded to the house on bail and subsequently put on condition and 7 per cent. who entered voluntarily in the first instance but were later given a condition of residence.

Comparison between the characteristics of Seatown House residents and other samples of drug users reported in the literature (Ogborne, 1975; Stimson and Ogborne, 1970; Bewley *et al.*, 1972; Crawley, 1971; Blumberg *et al.*, 1974) indicate that there are few differences, although Seatown House residents seem to be slightly younger than the subjects of other samples and the children of professionals are marginally under-represented. However, the only valid comparison group is that provided by Ogborne since it is the only sample of drug users from a residential community. Further, these are all samples of "known" drug users in so far as they have attended some treatment agency because they do take drugs. It is not possible, at this stage, to make any comparison with a general population of drug users. The data presented here, therefore, cannot be used to generalise to other treatment programmes or to all drug users. The information is presented simply as a source of comparison for other researchers in the field.

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A REHABILITATION HOSTEL FOR DRUG USERS

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BRIGHT DELINQUENTS

A Three-Year Follow-up Study

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IN the past 50 years, there have been many studies of the relationship between delinquency and intelligence, mostly concerned with the distribution of intelligence amongst delinquents or with the characteristics of mentally subnormal offenders. However, apart from descriptive accounts by Burt (1944), Simmons (1956, 1962), Brooks (1972), and a retrospective study by Caplan and Powell (1964), little is known about the characteristics of intellectually gifted children who turn to delinquency.

The present authors have previously presented the results of a comparative prospective study of two groups of delinquent boys, one of superior and the other of average intelligence (Gath *et al.*, 1970a, b, 1971). This article presents the results of a follow-up study of the same groups of boys three years later.

Method

The methodology of the original study has been described in detail elsewhere (Gath *et al.*, 1970a). The subjects were boys remanded to the London remand home for assessment during the period May–November 1967. The index group of superior intelligence comprised a consecutive series of 50 boys, achieving a full scale I.Q. score of 115 or over, on the age appropriate form of the Wechsler scale. The control series was made up of 50 boys of average intelligence (full scale I.Q. within the range 90–105), matched in respect of age, ethnic origin and court referral. Information about each boy's delinquency characteristics was compiled from reports presented to the remand home by probation officers, children's officers, and the schools; and from standardised interviews with each boy and his parents.

Data regarding subsequent convictions were kindly provided by the Home Office Statistical Department. The Mental Health Inquiry gave information about those individuals who had been admitted for any period to a psychiatric unit. The N.H.S. Central Register checked the list of boys for any possible loss from the series through death.

Follow-up information was obtained on each boy for a period of 36 months from his original interview (which was after conviction and before sentence).

Results

Complete information was obtained on 49 of the index group and 50 of the control group. The one subject missing from the index group had emigrated

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BRIGHT DELINQUENTS

after 2½ years. During this period, he had no offences recorded against him and no record of hospital admission. For this study, he was considered as having completed the three years uneventfully.

At follow-up, the mean age of the index group was 18.5 years and of the control group 18.8 years.

Summary of Previous Findings

In social characteristics the two groups of boys were largely similar, the only important difference being that the bright delinquents came from smaller families and were significantly higher in birth order. On psychiatric assessment, a greater severity of psychological disturbance was found amongst the bright boys and there was a tendency for their offences to have had psychological determinants. The delinquency records of the high I.Q. boys, in terms of previous court appearances, differed little from those of the average I.Q. boys, but the bright boys had made their first court appearance at a significantly later age. There was also a distinct tendency for bright boys to be treated more leniently by the court, for both past and present offences.

Follow-up Results

Psychiatric

Only one bright delinquent and two of the control group were admitted to psychiatric hospital during the follow-up period. All three were known at the time of the initial assessment to have had previous in-patient treatment.

TABLE 1
Number of Offenders and Frequency of re-Offending

	Index (n=50)		Control (n=50)	
	<i>Follow-up period</i>	<i>Overall</i>	<i>Follow-up period</i>	<i>Overall</i>
Boys with no further offences	13	— 26%	10	— 20%
Boys with one offence only	12	7	19	3
Boys with two offences only	10	6	3	4
Boys with more than two offences	15	37	18	43
	—	—	—	—

Criminal record

Only 13 of the index group, and 10 of the controls, had no further convictions during the follow-up period. This and the frequency of re-offending are shown in Table 1. There was no significant difference in the frequency of re-offending between the two groups. The bright delinquents committed a total of 93 offences in the follow-up period and 238 overall; the controls 104 and 284 respectively.

Type of offence

There was little or no difference in the nature of offences committed by the two groups. 27 of the index and 33 of the control series had committed property offences; seven of the index, and eight of the control group had convictions of offences against the person (non-sexual); only three of the index, and none of the controls had had previous convictions for violence, and of the two index and three control cases with sex offences recorded against them, only one (control series) had been convicted of a sexual offence previously.

Rate of offending in different years

It would seem that a very high proportion of the boys at risk (*i.e.* out in the community) offend in any given year (see Table 2). Indeed, if one subtracts from each group the number of boys who committed no further offences (13 index, 10 control), then all but two of the index and all of the control group, who were at risk in the community in the third year of the follow-up, committed offences in that year.

The rate of offenders re-offending obviously depends on the number of individuals who are at liberty in the community and therefore have the opportunity to re-offend. (That is not entirely true, as boys may escape from institutions and commit further offences.) The number of boys committing offences in each of the three follow-up years, is shown in Table 2. Also shown is the number of boys actually living in the community for at

TABLE 2
Number of Offenders in each 12-Month Period

<i>Year</i>	<i>Index</i>	<i>No. at risk</i>	<i>Control</i>	<i>No. at risk</i>
First 12 months	27	(45)	29	(42)
Second 12 months	18	(36)	22	(34)
Third 12 months	19	(34)	22	(32)

least six months of that year. It should be noted that five of the index group and eight of the control group were sentenced to a period of institutional training, following the original interview, and hence were not eligible for inclusion in the first follow-up year.

Sentence of the court

Table 3 illustrates the use made of the various powers of the court in respect of these boys. Each type of action is only recorded once for each boy (*i.e.* 22 of the 50 index cases were fined in the follow-up period; several of them were fined more than once).

These figures indicate that extensive use was made of all the powers open to the court, and certainly during the follow-up period there is no significant difference between the two groups in the frequency with which any measure was used.

BRIGHT DELINQUENTS

TABLE 3

Types of Court Actions used for each Individual Offender

<i>Court action</i>	<i>Index</i>	<i>Overall</i>	<i>Control</i>	<i>Overall</i>
	<i>In follow-up period</i>		<i>In follow-up period</i>	
Fine	22	35	24	43
Probation order	12	45	9	48
Attendance centre	4	14	2	20
Detention centre	8	9	11	15
Approved school	10	15	7	21
Borstal	10	11	19	19
Prison	5	5	5	5

In an earlier paper (Gath *et al.*, 1971) it was observed that there was a tendency for the high intelligence group to have been treated more leniently at all stages of their criminal careers than the index group. However, in the follow-up period, this was no longer so.

Discussion

Simmons (1956) has reported that 74 per cent. of boys leaving Kneesworth Hall, an approved school for boys of high intelligence, settled down satisfactorily, and Brooks (1972) too suggests that the factor of high intelligence helps these boys to come to terms better with their problems. As opposed to this, for an approved school not specifically for bright boys (Scott, 1964), gives a failure rate of 67 per cent. Caplan and Powell (1964) also suggest that bright delinquents have a lower rate of recidivism. In their series, at 2-7 years follow-up, only 3 per cent. of offenders of superior intelligence had committed three or more offences, as opposed to 20 per cent. of the average group. Other authors, however, have maintained that, amongst juvenile delinquents, there is no relationship between intelligence and recidivism (Lane and Witty, 1935; Merrill, 1947; Anderson, 1958). In this study, there would certainly seem to be no difference between the groups in respect of recidivism. The two groups, however, were not matched in respect of the way in which they were handled by the courts at earlier stages in their criminal career.

One striking feature of this study was the very high rate (74-80 per cent.) of recidivism amongst both groups. In a more general study by Hood (1966) of two samples of male offenders under the age of 21 (50 per cent. of whom had convictions for previous offences), only 43 per cent. were convicted and only 19 per cent. were subsequently sent to borstal or prison.

Although that study includes a much older age group, one of the groups under study was of offenders remanded for psychiatric reports, and so in this respect at least they are similar to the boys in this study. The recidivism in the boys in this present study was not just confined to the early years of the follow-up period but was being continued into the third year. In this respect they differed from the boys in Scott's study (1964), where the tendency seemed to be for the majority of offences to be committed in the first 18 months of his three-year follow-up period, and led him to conclude that "the crescendo and diminuendo pattern of offence incidence by individuals, over the three-year period, is on the whole reassuring".

Summary

The results are presented of a three-year follow-up of a group of bright delinquents first seen at the London remand home, compared with a matched group of delinquents of normal intelligence.

There were no significant differences between the two groups in recidivism, number or type of offence, or in the way that the offences committed in the follow-up period were dealt with. It is concluded that high intelligence makes no difference to prognosis, at least over the three-year follow-up period.

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NOTE

BOARDS OF VISITORS OF PENAL INSTITUTIONS*

SEAN McCONVILLE

THERE are 113 Boards of Visitors in the English prison system, which between them have a total of around 1,400 members. These boards are descendants of the Visiting Justices who carried out the local administration of prisons until 1877, and of the supervisory bodies appointed to central government convict prisons in the late nineteenth century. In 1971 the Courts Act broke the last formal link with magisterial administration by abolishing the locally appointed Visiting Committees. Both central and local prisons are now served by Boards of Visitors which are composed exclusively of lay members appointed directly by the Secretary of State. Many magistrates continue to be members, but serve in an individual rather than representative capacity.

Boards are obliged to inspect and report upon their establishments. They also adjudicate in certain disciplinary cases, and hear complaints and requests from prisoners. Their formal powers are extensive. Members are empowered to enter all parts of the prison at any time, to speak to any prisoner (out of sight and hearing of officers if it is so wished) and to inspect all prison records. The boards can suspend any officer of the prison, permit prisoners special facilities, letters and visits, authorise segregation and may remove or restore prisoners' remission. In adjudication boards may cause prisoners to forfeit remission on a scale equivalent to sentences of several months' imprisonment imposed by "civilian" courts. As with most other lay bodies in British public administration, members are drawn mainly from a fairly narrow social base: they are markedly upper-middle class, include a relatively small proportion of women and about two-thirds of members are aged 50 or over.

Until the Jellicoe Committee of Inquiry Boards of Visitors had been subject to little formal investigation. This is surprising, as their powers, influence and general background should have given them a high priority in any examination of the penal system. Doubtless the need for evaluation became especially marked in the critical atmosphere that followed the prison disturbances of 1972. Indeed it is apparent that several parties were thinking along similar lines and one of the difficulties encountered by the Jellicoe Committee was that investigations were also being conducted by the Home Office and by the Institute of Judicial Administration at Birmingham. The Jellicoe Committee itself was jointly commissioned by JUSTICE, NACRO and the Howard League "to examine the functions at present carried out by the Boards of Visitors of Penal Institutions, and make recommendations." Although the Report stresses the independence of its membership and workings, its sponsorship and the climate of its inception cannot but have influenced its deliberations, setting up at least the expectation that some form of institutional change was desirable.

*Report of a Committee set up by JUSTICE, The Howard League for Penal Reform and The National Association for the Care and Resettlement of Offenders. Chairman, The Rt. Hon. Earl Jellicoe (Chichester and London, Barry Rose, 1975, 96 pp. £1.50).

NOTE

A foundation grant enabled the Committee to function at a reasonable level of efficiency but being an unofficial body it depended heavily for access to information upon the good will of the Home Office. Furthermore, as it had no full-time secretariat, independent large-scale surveys and investigations were quite beyond its resources.

The Committee's conclusions may most helpfully be discussed under two headings—their general observations and arguments relating to the functions and powers of boards, and a number of detailed suggestions about boards' style and methods of work. The sections of the Report which analyse the disciplinary functions and powers of boards are the most controversial. The adjudicatory task of Boards of Visitors is an obvious starting-point for investigation, especially within the current climate of concern with the legal rights and standing of prisoners. This matter secured most attention from the Jellicoe Committee and was very probably the central interest of their sponsors. Whilst favouring the continued existence of lay supervisory bodies the Committee contends that boards must enjoy "conspicuous independence." Distinguishing between supervisory and executive functions, it is argued strongly and repeatedly by the Committee that it is improper and unhelpful that a body responsible for supervision should also have disciplinary responsibility. Manifest independence, it is contended, can be achieved only by Boards of Visitors being divorced from executive responsibility of any kind: "It should be extremely well informed, have no axes to grind, and be an utterly frank but constructive adviser."

The case for this change is based on the assertion that Boards of Visitors must be justified primarily by their watchdog duties and powers, and that this central duty is not compatible with judicial functions (which are extended to include board participation in borstal release procedures and representation on parole local review committees). This view in turn is based mainly, it seems, on evidence which suggests that prisoners see boards as staff-biased. This evidence is augmented by two arguments of principle: the Committee feel that the liberty of the subject should be restricted only by an independent body, and that the due processes of law should be observed in disciplinary proceedings.

Some objections must be made to these conclusions. There seems to be a lack of clarity and even confusion in the content and presentation of the supporting argument. For example, although the Report states its belief that its proposed new, solely supervisory bodies (re-named councils) could act in an independent manner, it produces no evidence to show that boards are not now so *acting*. The case for change is based, therefore, on the way in which boards are *seen* within prisons. And here the suggestion that prisoners feel that the boards are biased in favour of the institutional *status quo* is undermined by the Committee's acknowledgment that all courts are liable to be seen as prosecution-minded by those whom they convict. Thus the only distinction between an adjudicating board and the proposal for an adjudicatory panel for every prison, distinct from the proposed council, is likely to be one of degree rather than type, in the prisoners' minds and culture. It is at least debatable that inmates will draw any distinction between the two new bodies and doubtful that a panel comprised of judge and supporting magistrates would be seen as being more independent than the existing boards. Of all people prisoners are surely the least likely to draw, or wish to draw, such fine institutional lines.

The second major argument for change—due process—appears to be no stronger. The Committee acknowledges the difficulty of administering justice in a penal institution: "Many pressures may be brought to bear on the actors in such a situation, potential witnesses may be reluctant, and inevitably the tribunal has to rely on its own judgement more than may be normal in ordinary courts. It is no more than a recognition of these difficulties to say that it is hard to avoid an element of rough justice in these cases." These remarks can only refer to the notorious difficulty of securing willing and reliable witnesses in a prison setting. It can be all but impossible to secure the convictions of prisoners before "civilian" courts in cases which depend heavily on the evidence of fellow-inmates. It is hard to see how civilian standards of evidence would be made more possible by a hearing before one of the proposed adjudicating panels. It is surely no more likely that evidence which could involve subsequent hardship for witnesses would be offered to such a tribunal, that hearsay could be avoided, and that the normal standards of corroboration would be established. Whilst the Jellicoe Committee are to be supported in their desire to render justice within prisons, these specific suggestions are no more obviously effective than existing practice. In the peculiar institutional life of the prison, the administration of justice must concern itself even more with the interests and safety of the whole community.

The credibility of the Committee's case is not enhanced, moreover, when it moves the weight of its argument to sentencing procedures rather than the determination of innocence or guilt. The perfectly reasonable proposition is put forward that when guilt has been determined, information affecting sentence should be given openly and a right of reply extended to the prisoner. There is nothing in the structure of the existing boards which would make such a procedure impossible, but the Committee argues that once information relative to sentencing is made explicit there is no need for the special background knowledge of the existing boards. But this argument does not undermine the adjudicatory function of the boards—it is rather a means of saying that with explicit background reports a judicial panel would also be enabled to impose a suitable sentence.

The Committee also offers a more general argument for the restriction of boards of visitors to supervisory tasks. It points out that some of the powers and duties of the boards are inappropriate to modern conditions either because they are unnecessary, or rarely used, or of little intrinsic use. (For example, the power to suspend officers, permit special facilities or to authorise segregation.) This argument may also be employed to buttress the recommendations on adjudication: the Committee points out that many boards carry out no adjudications and that even within adjudicating boards only a minority of members may be involved. But these factors may lead to precisely the opposite conclusions. If powers and duties are rarely exercised, why go to the trouble of fairly major institutional rearrangement? Furthermore, English public administration can produce many examples of bodies and offices which are vested with little used and atrophied powers. One reason for the persistence of such "anomalies" is their symbolic role. It is a reasonable speculation that officers, prisoners and members alike would hold less respect and trust for a purely advisory council than they at present hold for a board endowed with a range of powers (no matter how symbolically).

It is a pity that the Jellicoe Committee felt it necessary to question so centrally

NOTE

the structural propriety of boards in relation to adjudication. The discussion of this matter is bound to be largely speculative and indecisive and will detract some attention from the many other recommendations and arguments which are put forward. These include a proposal for a National Association for boards and other means of exchanging experience and ideas—all directed at remedying what the Committee quite properly feels is the too isolated existence of boards. The suggestions for increasing independence from the influence (real and apparent) of senior prison staff also merit close attention—a clerk appointed by and solely responsible to boards and more private meetings, for example. Membership should undoubtedly be made more reflective of the broader community in terms of age, sex and occupation, and could become more effective by new methods of organising work. There are in all (including the proposals for changes in function) thirty-seven suggestions which boards could discuss with some immediate benefits. The Home Office authorities, now that their own working party has reported†, might profitably consider those Jellicoe Committee proposals which would require their sanction.

It is only partly a criticism to conclude that the Report could have been written by an intelligent and self-critical board. The point is that until now information has not been brought together in this way, nor has such a range of provocative and potentially fruitful arguments been so systematically offered. That the Report suffers from a certain amount of repetition, and that committee-type draftmanship is here and there only too apparent, is a tiny blemish in a document which deserves close and concerted attention.

† *Report of the Working Party on Adjudication Procedures in Prisons*, H.M.S.O., 1975.

BOOKS AND PERIODICALS

REVIEWS

LAW AND STATE. THE CASE OF NORTHERN IRELAND. By KEVIN BOYLE, TOM HADDEN, PADDY HILLYARD. [London: Martin Robertson. 1975. ix and 194 pp. £2.25 (paperback).]

THIS book is a case-study on the operation of the law-enforcement system in Northern Ireland from the start of the civil rights movement in the mid-1960s to the end of 1974. The authors begin with a brief statement on the functions of a legal system in maintaining political stability, in controlling abuses of governmental power, in maintaining public confidence in the working of democracy, and in dealing, where necessary, with civil disorder and terrorism. They then discuss the monopoly of power and patronage enjoyed by Unionist Governments from 1921 to 1972, the alienation of the Catholic minority and the discrimination against them, which was, despite the constitutional protection of section 5 of the Government of Ireland Act 1920, not prevented by the judiciary (regarded by the authors as a pussy-footed watchdog). They also think that the programme implemented after August 1969 and reforming governmental institutions with the aim of removing discrimination was ineffective to win the confidence of the minority in the impartiality of governmental institutions. That judicial review and institutional scrutiny by means of an Ombudsman cannot provide solutions to problems caused by biased decisions over many years affecting employment and the allocation of public resources is a point grudgingly conceded.

The authors then explain the slide from Civil Rights protest in the summer of 1968 to guerilla warfare after August 1971. In so doing they lay emphasis on the United Kingdom Government's failure to find a "satisfactory method" of dealing with public disorder and terrorism. (Is there one?)

Next is a description of the formal basis and use of police and army powers to arrest, screen and question, followed by a critique of the system of internment, including attempts to build quasi-judicial safeguards into the procedures. Two illuminating models of security operations are here used. The approach of the police, with the exception of the RUC Special Branch, was that of "police prosecution": only persons suspected of having committed a specific offence might be arrested, questioned and charged. The approach of the British army was that of "military security": large-scale arrests and screening of individuals thought to be sympathetic to IRA policies and subsequent intensive interrogation of terrorist suspects with a view to detention without trial was the best *modus operandi*. With the concentration of British forces in Republican areas, which they perceived as the major source of disorder, and with adoption of the "military security" approach, inevitably there was a flow of new IRA recruits and final destruction of minority confidence in the fairness of the authorities.

The operation of the ordinary criminal courts in dealing with offences with political connotations (possession of firearms and explosives, bomb attacks, armed

robbery and terrorism) is next examined. Using statistical tables the authors argue that there was discrimination in respect of bail practice, selection of charges, numbers of counts preferred against defendants, outcomes of trials, and sentence disparities. After detailed examination of the 1973 procedural and evidential changes introduced by the Northern Ireland (Emergency Provisions) Act 1973 they conclude that with the introduction of the office of Northern Ireland Director of Public Prosecutions the more blatant forms of discrimination were eliminated. But these reforms did not increase public confidence in the administration of justice because the legal system was seen by the minority community as giving priority to processing those engaged in IRA violence rather than in prosecuting those engaged in Protestant para-military activity. (Obviously the security authorities saw the IRA as a threat to order, whereas they perceived Protestant para-military group members merely as criminal thugs attacking other individuals.)

A detailed chapter discusses public lack of confidence in the legal system. The authors criticise inadequate official responses and public inquiries into alleged abuses by the law-enforcement agencies, and end with results of an opinion survey in August 1974, which was designed to test public opinion on internment and its effect on public confidence in the ordinary courts. Next comes a truncated chapter on "International Proceedings," dealing with proceedings under the European Convention on Human Rights, but omitting mention of the invocation of other machinery such as the United Nations Human Rights Commission. Then follows a useful chapter setting the contemporary disorders in a general Irish historical perspective and illustrating some of the continuities in both conflict and response. Finally there is a short conclusion restating the view that the legal system will be used in times of disorder by those who exercise power to suppress opposition. They conclude that in Northern Ireland the "settlers" (the Protestants) have sufficient power and will to practise coercion, but that the "native" minority is large enough to ensure continuing instability. They therefore favour the use of the legal system as a means of co-operation, rather than of coercion, and argue that the choice of a security response to a crisis of inter-communal relations will hinder rather than restore the restoration of stability.

The authors "do not claim to be wholly objective observers even if that were possible." They emphasise that "much of the material on which this book is based was collected primarily with a view to influencing the course of events." Should such openness disarm the critic? A degree of special pleading or an occasional biased inference can be condoned, but, when a book purports to be a serious academic study, if its overall tendency is partisan, if on any occasion its rational analysis absolves the objects of the criticism but such analysis is tainted by mealy-mouthed ungenerosity, unrelated caveats and sophistry, if serious allegations are unsubstantiated, if its use of statistics is suspect, and if it lacks an adequate theoretical underpinning, then a reviewer who perceives the work in such fashion must reject such disclaimers as disingenuous.

The level of analysis is, in a book purporting to be the result of a sociological inquiry, banal. Obviously a legal system does not operate in a political vacuum (p. 179). Again security operations in an emergency are not determined by the legal provisions prevailing but by the prior commitments of those in control of the operation (p. 52). There is no analysis of concepts: What is the "state"?

At page 6 Northern Ireland is wrongly described as a "state." (Presumably by "state" the authors mean to refer to those currently exercising power through the formal machinery of government, and not to the abstract personification of the nation, or to the internationally independent entity.) What roles are open to courts in varying situations? What limits are there on courts adopting a judicially independent role when there is a struggle threatening the currently constituted order and power of the executive and legislative government? In such circumstances is law used only as a weapon and do all aspects of it as a constraint on governmental power disappear? If courts seek to provide channels for resolution of disputes can these be effective in a violent political power struggle striking at the jugular of the establishment? (At pages 27 and at 35-36 the authors condemn the courts for failing to "stem the descent into communal and military conflict.") Again, if courts are not self-motivating and are instrumental, is it sensible to condemn the courts for failure to bring the problems arising from long-term discrimination "into the open in such a way as to assist in the political reform process" (p. 25)? Surely the unwillingness of litigants (who for many years, when charged with political offences, preferred the role of martyr), the unawareness of the legal profession, and the absence of constitutional standards in conjunction with a developed tradition of judicial review, effectively precluded the Northern Ireland courts from adopting a positive reformist stance. Why is there not even a short discussion of the relationship between legitimacy, consensus and acquiescence, and of the equal relevance of these concepts for the majority Protestant community? (At page 33 in two sentences the authors refer to the crucial political strikes by Protestant workers against essential services, which resulted in the fall of the "power-sharing" government, but much more significantly reasserted the basic fact of majoritarian political power and the need to ensure Protestant acquiescence in governmental arrangements.) What role in promoting or diminishing acquiescence is played by the media, the educational system (particularly a Scholastic approach to the history of Ireland), and citizens' expectations as to their civil and political rights in the modern welfare state? (None of these factors is mentioned at pages 76-77 when explaining why internment, which had suppressed earlier IRA campaigns, was so counter-productive in 1971-74.) Are security measures *per se* unlikely to succeed, or are they ineffective because not determinedly pursued to the point of complete domination, or because they have been inefficiently implemented without regard to the necessity for simultaneous conciliation of public opinion by the appearance of fairness (an argument which the authors should have discussed in relation to internment)? Again, reference is made to official perceptions of the nature of the conflict (pp. 48, 115-116) in comparison with those of the minority community, but nowhere is there reference to the perceptions of the majority community who can by no means be identified with "the official perception", particularly since March 1972 when direct rule was introduced. It is also strange that the official perception of the Irish Government, which has been that the IRA is a threat to Ireland, is nowhere mentioned.

Then there is analytical confusion which leads to unjustifiable condemnation of the courts because of failure to distinguish between whether legislation and administrative decisions thereunder can be effectively challenged in litigation (pages 38 and 132 wrongly state that the Civil Authorities (Special Powers) Act (Northern

Ireland) 1922 was unchallengeable) and subsequent Westminster legislative intervention to restore power to the devolved Parliament of Northern Ireland. Regulations under the Act were in fact invalidated in 1972 in *Hume's Case* and purported arrests under the Act by the army were successfully challenged in a number of cases. The questions that require asking (assuming that litigants and lawyers were willing to commence litigation) are: did the courts uphold "the rule of law" in the sense of striking down unlawful or arbitrary action, and could judicial decisions effectively control the executive and legislature having regard to parliamentary sovereignty? The authors mix up these issues and therefore unjustly criticise the courts. They do this constantly, mainly because they are ambiguous in their use of the term "legal system." They use it as meaning "judiciary" and then slide over to its use as "all the machinery of administration of public order including the executive government." Naturally the authors find that the legislature and the executive do not, in a situation where the status quo is threatened, observe "the rule of law." But, from this obvious proposition, they slide back to implying that the judiciary was hypocritical in failing "to prevent the adoption or control [ing] the operation of extra-judicial methods, in particular the system of detention without trial" (e.g. at page 117 where it is implied that the Northern Ireland judges were involved in the Diplock Committee's deliberations although elsewhere the authors state that they were not consulted).

What then of the questionable use of statistics? First, there are so many variables which influence which charges should be laid against persons suspected of criminal offences that it is unjustified to infer discriminatory prosecutorial decisions from statistics on the number and type of counts against Catholics and Protestants (see Tables 6.2 and 6.3 at pp. 86–87). Apart from the fact that Catholics had rifles and Protestants handguns, the levels of police activity changed radically, the levels of activity of the sectarian para-military groups varied with corresponding changes in frequency of offences by those sections of the population, the length of time and intensity of the conflict between the authorities and the groups in question were also different, and secret organisations were more or less susceptible to penetration by informers. This would affect prosecutors' decisions to proceed and also executive decisions to detain (cf. page 48 where deviance theory is the sole explanation). The factor of better available evidence would also induce more guilty pleas by Protestants (pages 97–98 suggest only the inability to gamble on a jury trial after the Diplock reforms). By 1973 police had penetrated the Protestant para-military organisations. Again the same factor would result in fewer successful appeals against internment. (cf. page 71 and page 65, Table 5.1 where it is suggested that the Commissioners' formal approach to appeals had this result, whereas Table 5.1 contradicts this contention by showing that both at the beginning and end of the period 26 per cent. of appellants were released.)

Then an average of sentences on conviction is given (page 93, Table 6.5); thus the likelihood of very different sentence distributions is concealed—especially relevant where it appears that Catholic (IRA) defendants were receiving longer sentences than Protestants. There does not seem to have been any care in matching the samples in some of the tables (e.g. Tables 6.1, 6.4 and 6.6); thus in Table 6.1, page 82 there is no analysis of the kinds of political offences involved. Again the sizes of the samples are such that it seems improper to talk in terms of percentages—

as where in a sample of magistrates' court cases in 1972 of 13 Protestants 6 were granted bail (46 per cent.) but only 6 of 28 Catholics (21 per cent.) were bailed for political offences. Again there is little cross-reference to comparable tables. If Tables 6.1 and 6.8 are compared, instead of the authors' suggestion that there was a "marked decline" in the number of Protestants who received bail under the post-Diplock procedure, fluctuations would be seen (46, 59, 37 per cent.). Indeed, the proper inference is that more persons were bailed on firearms charges and fewer for serious offences. Inferences are also drawn by concentrating on particular figures, whereas Table 6.4, page 92, shows that by grouping figures outcomes against Catholics were not discriminatory: judges' directions to acquit, DPP's withdrawal of charges, and acquittals together result in a "happy" outcome for 43 per cent. of Protestants and 41 per cent. of Catholics. In contrast some statistics are omitted e.g. the prevalence of violent crimes and the ascription of these at differing points of time to each sectarian community; at page 90 it is alleged that "the vast majority of those on the jury lists was Protestant"; and at page 109 it is stated that "more" absconders failed to appear for trial than did persons bailed. Since care is generally taken to give precise percentages is it not distortion to state at page 148 that nearly two-thirds of those interviewed were opposed to internment? (In fact 61 per cent.) Again on page 75 "internment was used almost exclusively against IRA as opposed to Protestant para-military forces." Initially the authors' judgment would have been correct but the later internment of Protestants (10 per cent.) precludes such language. Again at page 149 Catholics are described as "nearly unanimous in thinking that persons could not get a fair trial because the courts were biased against Catholics" (cf. page 144 and Table 7.5 showing 7 of the 57 Catholics interviewed did not take this view). Why are there no overall figures of those who thought persons got fair trials (98 of 180)? The most serious omission is failure to include a sample questionnaire. The Appendix on Methodology is wholly inadequate and seems devoted to a defence of criticisms by the Attorney-General of an earlier work by two of the authors. The classification of answers in Table 7.3, page 147, and Table 7.6 needs further explanation. There is no indication that leading questions were not asked—particularly significant when regard is had to the blanket hostility of Catholics for Northern Ireland governmental institutions. Were they asked "Has internment increased or decreased your confidence in the ordinary courts?" and "Do you think a person does not get a fair trial in Northern Ireland?" (see Table 7.5).

Unsubstantiated assertions are also made. "It is significant that the forces of law and order in Derry and Belfast broke down within weeks of the final rejection of the claim in the House of Lords" (p. 15). How many ordinary members of the minority community knew of the decision in *McEldowney v. Forde*? At page 70 it is suggested that Commissioners took a middle line in resolving the conflicting pressures from their judicial background and from the "natural desire to make the system of detention effective." There is no evidence of any compromise by the Commissioners of their judicial standards. Indeed, earlier at page 65, Table 5.1, the authors show that the percentage of persons released by the Commissioners increased between January 1973 and October 1974. Again at pages 88–89 it is stated that the "courts were clearly under pressure from the security forces and the public at large to convict those brought before them in order to deter others."

The authors then give three examples, all of which highlight the continuing problem of identification evidence, but which do not substantiate the implication that the judiciary succumbed to pressure. Again at page 116 it is implied that the judges viewed attacks on the existence of the state as more serious than attacks on the minority civilian population. Those familiar with murder trials in Northern Ireland will find no evidence for this inference. At page 87 the assertion is made that failure to add a battery of charges, including the less serious charge of "possession of firearms without a certificate," in the case of Roman Catholic defendants when compared with Protestant defendants facing serious charges, resulted in more favourable outcomes for Protestants. This is nowhere proven. Finally, at page 149, the authors speculate, in relation to Catholics opposed to the abandonment of jury trial for scheduled offences, that "they may have had grave doubts about the impartiality of the judges who were replacing the juries."

Then there are sopbistries. At page 74 it is said that the Secretary of State's release of internees "reduced the likelihood of general public understanding or acceptance of the system of Commissioners' hearings." But if he kept men unnecessarily interned would the authors not have argued that the public would be alienated? At page 75 it is implied that the non-requirement of work in the internment camps "may have had some bearing on the internal disturbances within . . . Long Kesh." But would the authors not have criticised the authorities had they required unconvicted prisoners to work? At page 105 the snide implication is that, by not taking advantage of evidential inroads introduced into the hearsay rule after the Diplock Committee Report, "the legal profession preferred to maintain its established practices and to leave to others the less attractive aspects of the security system." At page 185 the authors state about prosecuting officers' decisions to withdraw charges that although they had adequate reasons for each decision "we are not satisfied that in so doing they gave sufficient attention to overall impact of the resulting pattern on public confidence." Are they suggesting that prosecutors should exercise their discretion in the light of minority community opinion and sometimes prosecute individuals against whom they think there is no case? At page 78 it is implied that Miss Devlin was jailed as part of the policy "in the initial period of civil rights marches" of bringing cases against "recognised leaders of the civil rights campaign." Miss Devlin was imprisoned for four offences of riotous behaviour and incitement to commit riotous behaviour committed in August 1969 when the Bogside district of Londonderry was sealed off by its inhabitants and when the Royal Ulster Constabulary attempted to pursue stone-throwers into the Bogside.

What of partisanship? At page 83, after having given sound reasons why police should object to bail in "political cases" against Catholics, the authors state "Nonetheless there was a clear element of sectarian bias in the thinking of the police on this issue." Again from pages 126-130, by alleging that a major function of public inquiries was to restore confidence in the conduct of the security forces and that it failed, they knock down a ninepin. In all the four major inquiries, the inquiries were designed to elicit facts. The authors then state that the conclusions of the reports were not in accord with what might have been expected from an objective assessment of their findings "with the possible exception of Cameron and Scarman." In all the four major inquiries there were varying degrees of

condemnation of law and order enforcement personnel. Yet the authors go on to say that the use of judges in inquiries "had an adverse impact on public confidence in the impartial role of the latter." Why? The Scarman and Cameron Reports were accepted by the minority community, although the Widgery Report was not. Thus two out of three judicial inquiries were accepted. (The Compton Committee was not a judicial tribunal.) Again at page 140 the restriction on the form of coroners' verdicts preventing the entry of a verdict of murder or manslaughter is criticised, whereas most reformers of criminal procedure would like to see the possibility of such verdicts removed in England (*cf.* the recent Rivett—Lucan verdict).

As examples of tendentious writing I instance pages 22–24 (Mr. Justice Gibson's conduct of the Dungannon housing cases, and the statement that the courts "take refuge in technicalities"), and pages 24–25 (the failure of ombudsmen to bring issues of discrimination into the open—in fact the Commissioner for Complaints' Reports gave ammunition to the minority community's politicians. There is also a total misunderstanding of the conciliatory functions of the Commissioner for Complaints which precluded "the kind of forthright condemnation of Unionist power structures which the minority wanted"). At page 86 there is "some measure of equal treatment" in bringing serious charges against defendants from the two communities (*cf.* 97 of 98 Protestants and 97 of 97 Catholics charged with serious offences). At pages 88 and 94 distrust in "the administration of justice in magistrates' courts" is alleged in consequence of cases in which the magistrates denounced the Criminal Justice (Temporary Provisions) Act, but had to apply mandatory sentences and where, despite acquittals by the courts, the security forces rearrested persons under emergency powers. At page 99 there are unfavourable implications arising from the statement that "the trial process had become a 'closed-shop' in the hands of a small group of professional lawyers" after jury trial had been stopped in scheduled cases. In fact, if evidence is being tested, professional skills are essential, and the authors themselves concede that "the more theatrical aspects" of jury trial were replaced by "a more sober search for truth." At pages 102–103 they suggest a negligible impact consequent on the judicial decision that despite section 6 of the Northern Ireland (Emergency Provisions) Act 1973 the judges retained a discretion to exclude statements obtained by oppressive conduct. Inquiries from the prosecuting authorities would have shown that prosecutions were deterred because prosecutors anticipated the exercise of judicial discretion to exclude confessions obtained by the security forces.

The editors of the series suggest that this book is an important document for the political debate in Britain. As a polemic it will fulfil that function. But a less tendentious presentation of the implications of the significant legal changes in Northern Ireland would have contributed far more to a constructive reappraisal of the nature and operation of law throughout the United Kingdom than does this text which will generate only resentment and defensive statements from those operating the legal machinery of government.

Claire Palley

THE ENGLISH SENTENCING SYSTEM. By SIR RUPERT CROSS. [London: Butterworths. 1975. 2nd ed. 213 pp. inc. Index and Appendices. £6.40 (hardback) £5.00 (paperback).]

THIS second edition of Professor Cross's sentencing guide was necessitated by the fact that criminal courts have been invested with important new sentencing powers by virtue of the Criminal Justice Act 1972, and that for the most part sentencing powers have been consolidated in a new Act, the Powers of Criminal Courts Act 1973. In Chapter 2, describing "the system in operation," there is a more comprehensive discussion of social inquiry reports than was contained in the first edition, and some further paragraphs have been added on plea bargaining. Elsewhere, we are told by the author, there has been some re-writing and re-organisation, and changes have been introduced aimed at clarifying the argument and improving the style. However, the author regards the greatly increased number of tables introduced in Appendix I, largely supplied by Mr. David Steer of the Oxford University Penal Research Unit, as being "far and away the most important change in this edition."

This book has been designed partly for students reading for a law degree who have opted for a paper on criminal law and penology, but in part it is also addressed to all those concerned with the penal system and interested in the problems of punishment and sentencing. It does not profess to be a textbook, yet it does partake in part of that character. It is designed to stimulate and provoke further thought and study. That aim it certainly abundantly achieves. The attempt to link the discussion of theories of punishment with sentencing practice, and to discuss the reasons for the latter, renders the book of great value to those wishing to do more than indulge in wearisome philosophical argument about theories of punishment.

The time has come, however, to ask what Professor Cross's penal philosophy is and what significant changes have been introduced into the present edition which may indicate a change in his position, and secondly, to ask how adequate this book is as a student's introduction to the subject.

Professor Cross himself poses three questions which the book seeks to answer, as follows: (1) Is the present English sentencing system too retributive? (2) Are there limitations on the possibilities of empirical research in relation to sentencing? (3) Are drastic reforms in our sentencing system called for? It is in developing his answers to these questions that Professor Cross's own particular brand of penal philosophy emerges. It appears to be a blend of reductivism and retribution, with a strong admixture of respect for the educational principle of punishment advanced by A. C. Ewing (and strongly supported, one might add, by the Canadian Professor J. D. Morton). But Cross seems to this reviewer to hesitate in the present edition and qualifies some of his statements rather drastically compared with the first edition. He submits, as he did in the first edition, that the English sentencing system is not *too* retributive, if by this one means a system "under which punishment frequently has to be justified on the sole ground that it is a method of giving wrongdoers their deserts." This is because he regards the meeting out of deserts as an adequate justification for punishment in its own right (first edition)—but now he adds the proviso: "provided it reduces crime and, in the absence of evidence that it does not do this, we must act on the assumption that it does" (p. 177).

Does this qualification represent a conversion to a more purely reductivist viewpoint? Other passages in the book, in which Professor Cross points out the inadequacy of adherence to a purely reductivist viewpoint, on the ground that respect for the law must also be promoted, and that this provides an important limitation on what can be done to reduce crime, suggest that Professor Cross is not a pure reductivist. Nor is he a purely Kantian retributionist. He is a qualified retributionist of a particularly English kind, seeking to ensure that considerations of humanity and the enlisting and the maintenance of public support inspire judicial punishment just as much as principle and expediency.

The only difficulty is that to proceed on the assumption that retributive punishment is effective in reducing crime, in the light of historical or recent experience, seems somehow unsatisfactory and untidy. Moreover it is said we are right to act on this assumption in the absence of contrary evidence. But surely there is some (if not ample) evidence to the contrary, the kind of evidence which Dr. Roger Hood has been relying on so strongly in his condemnation of the penal system in terms of its effectiveness, so that the major assumption needs to be re-examined. Professor Cross does not wish to be seen as an out-and-out retributionist while Dr. Hood would not mind being seen as such, because he regards the limiting principle which retribution provides as salutary. Professor Cross would say that the primary objectives of punishment are twofold, firstly, to reduce crime, and secondly, to promote respect for the criminal law. By these means are penal values vindicated. The question left unanswered is whether the limiting principle is to be provided solely by retribution or whether reform and other humanitarian considerations also enter into the matter. Professor Cross, like Professor Walker, concedes the relevance of humanitarianism. About reform, he is more lukewarm. Developments like probation, borstal training instead of prison, and even prison as an opportunity for training, are to be welcomed "as entirely to the good." But there are important limits to the pursuit of reform as the aim, because of the need to respect the retributive principle, and because of the needs of general deterrence. The courts have recognised these limitations, and Professor Cross accepts them with few reservations. Only in the case of mental disorder can indefinite deprivation of liberty be justified to protect the public. This is because in that case punishment on retributive grounds is not called for.

On the question of empirical research in relation to sentencing, Professor Cross is not sanguine about the possibilities of carrying out research into such matters as, for example, the efficacy of exemplary sentences and general deterrence, and he doubts the advisability of publishing the tariff of normal penalties. His discussion of the nature of the tariff is most helpful, since it reveals the difficulties of arriving at a firm view of the matter. Neither McKenna J.'s "range of the normal sentence" nor D. A. Thomas's "normal (or effective) range" appear wholly acceptable, and we are left with "the impressionistic range" rather than any statistical or other dimension. This seems to fit the practice of the courts, including the appeal court, more closely. Professor Cross is at his very best in exploring the considerations which go into fixing the length of sentence, and when he explains the reasons for punishing attempts less severely than completed crimes, and deals with such problems as sentencing for conspiracy, negligence, and for causing more harm than was intended.

A scientific control of crime through sentencing would require the development of empirically verified generalisations about the effectiveness of sentences of varying lengths. A prerequisite to the development of such generalisations would be random experimentation in sentencing. This is very unlikely to be acceptable to the courts. So Professor Cross does not see it as likely that we can improve the scientific basis of sentencing, much of which is based on "popular morality with a strong admixture of expediency." Professor Cross does not wish to belittle the achievements of empirical research or discount the possibilities. He could perhaps say more about the means by which the judges are trained and informed, and about the communication of the results of research to those whom it might influence and affect.

As for the more drastic reforms of sentencing, such as have been suggested by Professor Nigel Walker and Dr. Roger Hood, the book ends by a rather brief examination of the various proposals, but Professor Cross is not greatly enamoured by Professor Walker's drastic proposals, since they would militate against the fixing of sentences according to gravity of the offence and undermine the basis of the present tariff system, resulting in "the end of many retributive elements in our system, the failure to allow for the human factor, and the consequent decline of our penal process in popular estimation" (p. 183). Dr. Hood is let off more lightly, and his proposals are not seen as likely to affect greatly the sentencing powers of the judge. But surely their aim is to prevent some part of those powers being transferred to the executive and to restore powers to the judges in preference to entrusting them to administrative agencies? Professor Cross briefly discusses the hoary question of sentencing boards, and expresses his doubts whether the job would be better done this way than through the present system of sentencing by judges and magistrates. So one reaches the conclusion that such drastic reforms in our sentencing procedure and policies are not required.

Time has a strange way of playing havoc with authors because of the inevitable delays between putting pen to paper and the eventual publication of the printed word. In this particular instance, Professor Cross is unfortunate in that a great debate over sentencing and its retributive basis has blown up within the last six months, mainly in relation to sentences for rape, and the whole matter has been under public discussion and is now to be officially reviewed at the request of the Home Secretary and the Lord Chancellor. The first question posed by Professor Cross may need to be supplemented with another: is the English sentencing system retributive enough? Public opinion, in so far as it can be measured from the public statements of politicians and correspondence in the Press, and the odd leading article, expects far more than the present system is geared to deliver. Can the powers-that-be stem the tide of reaction which is sweeping through so many aspects of our public life? On what can we stand firm? These are questions to which Professor Cross and others need urgently to address themselves.

Finally, how suitable is this as a student's introduction to sentencing and the penal system? It is admirable on the legal intricacies of operating the English sentencing system but somehow a little less satisfactory on marrying the theories with the practice. There is too much Kant and not enough Hart. We hear nothing of Andenaes and Zimring and Hawkins on deterrence or of Wootton on strict liability. There are many gaps in what is necessarily a brief outline. But the merits

so far exceed the criticisms that the book must be warmly commended and become, as indeed it is already in its first edition, essential reading in this limited but immensely perplexing and complicated area of sentencing.

J. E. Hall Williams

POLICE: PERSPECTIVES, PROBLEMS, PROSPECTS. By DONAL MACNAMARA AND MARC RIEDEL. [London: Pall Mall Press. 1974. 158 pp. £5.95.]

IN recent years there has been a proliferation of publications concerning different aspects of law enforcement in the United States. This sudden plethora of material has presumably been generated by a realignment of the interests of the American funding agencies coupled with an increase in the opportunities for research access to the police afforded by a growing acceptance of the researcher by police officialdom.

This increase in publications has produced some highly commendable work, such as that of Skolnick and Reiss, some mediocre, and some publications the only utility of which has been to serve as a warning to other prospective researchers. It is doing great justice to *Police: Perspectives, Problems, Prospects*, edited by MacNamara and Riedel, to place it in the middle category. It is at best of mediocre quality.

The book consists of fourteen of the papers presented before the annual meeting of the American Society of Criminology in 1973. As the title suggests, the contents are around a central theme of the problems and prospects of the police; however, within this general area the papers are widely diverse with regard to both quality and subject. The topics covered range from organisational deviance in the police, through the executive role of women police officers and the racially discriminatory recruiting procedures to an account of the work of the F.B.I. To add an international flavour to the work the editors have included chapters concerning the professionalisation of the Ontario Police, social change and the Garda Síochána and cross-cultural differences in police attitudes.

There is a danger that the naïve and uncritical reader of this volume will assume that police officers are recruited from a particularly violent and easily corruptible section of the community (although I am assured that, even in the United States, this is not the normal practice). The contributors further imply that to be formed into a reasonably efficient policing body the new recruits to the police must be coerced by either classical or operant conditioning to inhibit their violent, destructive tendencies and to resist involvement in the corruptive endeavours of the more experienced officers within the police department. In Chapter 4 White quotes Levine, who claims that "What must be systematically exploited is the power of the pay-off: police can be restrained—they will tame themselves—if it is made worth their while."

The experienced American police officer is urged to overcome his cynicism and adversarial attitudes and to attempt to break out of the state of acute withdrawal which apparently characterises most officers. The United States police officer is required to pass through this metamorphosis despite a "shared sense of being in physical jeopardy," with other officers, "the sordidness of their environment," "public hostility" and "the requirement to wield authority."

MacNamara suggests that "Criticism of the law enforcement agencies has . . . seldom emanated from within the criminal justice system: and even more rarely has it had its origins within the police establishment." It is apparent from a reading of this book that this state of police non-involvement is indeed an unfortunate situation. The information provided in the list of contributors suggests that all are serving academics and the content of the articles indicates that many of them are out of touch with the practical realities of law enforcement. The co-editor in Chapter 1 suggests that the minimal clearance level of reported burglaries is symptomatic of the problem of police ineffectiveness. The practice within police departments of selecting cases for investigation is, he suggests, wholly discriminatory when based upon criteria such as the monetary value of the losses, the competing case pressures, and the ready availability of a suspect or investigative leads. In proffering panaceas for the problems of both contemporary crime and police ineffectiveness MacNamara contends that since burglars are notoriously recidivistic then "any attitude, policy, or priority therefore which inhibits intensive investigation of these crimes, while manpower resources and energies are diverted to other activities and interests is counter-productive and compounds the problem of reducing and repressing criminality."

MacNamara's proposition in his introductory chapter epitomises the myopic and wholly unrealistic approach which is characteristic of several of the contributions to his publication. The problems of this book are not, however, confined to limited views of the police role in law enforcement and impractical solutions to their inadequacies. The methodology used in some of the research demonstrates a blatant disregard for what can loosely be termed "scientific method."

Chappell and Meyer compare the attitudes of police and public in the United Kingdom, Australia and the United States. The research is based upon a variety of previous studies, the earliest research being the survey conducted in 1960 for the Royal Commission in Great Britain and the most recent the work by co-author Meyer in the United States in 1970. Apart from the vastly different sampling methods and response rates in the studies the problems of comparing data originating ten years apart are obvious. The authors mention the manifest deficiencies of their work and then embark upon an elaborate comparison of the research findings drawing rather tenuous support for their conclusions from Banton in the process. The dangers inherent in such research become acutely apparent when recent work by Belson of the London School of Economics is considered. In 1973 Belson conducted research on similar lines to the Royal Commission survey. He demonstrated that, although public opinion was still "markedly favourable" towards the Metropolitan Police, respect had declined quite drastically over the 1960 Royal Commission figures. The decline shown by Belson is sufficient to negate some of the conclusions proposed by Chappell and Meyer.

The apparent justifications for this and other research of this quality which uses similar methodology are the "obvious economic advantages" and the vain hope that "it is an important first step in delineating areas of further inquiry."

In a collection of papers which are beset by errors in spelling, methodological problems, unfounded assumptions and general shallowness there are however contributions which valiantly attempt to redeem *Police: Perspectives, Problems and*

Prospects from the depths of the lowest category of publications which serve as a warning to prospective authors.

The ubiquitous article by Kirkham (which, in one form or another, has appeared in periodicals as diverse as the *F.B.I. Bulletin* and *Reader's Digest*) can be commended, if only because it demonstrates a criminologist who has attempted to grasp the practical realities of law enforcement as a "complete participant." The article is a descriptive account of Kirkham's experiences during a six-month attachment to a police department as a "rookie" officer. Kirkham's method (analogous to that of Laud Humphreys in *The Tearoom Trade*) demonstrates a novel approach to the study of police fieldwork. Accepting the problem of objectivity, Kirkham's intention, which he appears to attain, is simply "to briefly describe how the technique of complete participation afforded [him] an opportunity to penetrate highly covert interactional membranes and develop insights into the social psychology of patrolmen which simply would not have been possible with a more conventional methodology."

Finally, the three concluding chapters give a descriptive analysis of the changing role of the F.B.I., the development of professional policing in Ontario, and social change and policing in Ireland between 1960-1973. Though giving rather shallow accounts the authors show an informative insight into their respective topics.

The majority of the papers in this book pertain to the American police situation and provide cause for concern amongst the United States police, the academics and the general public. For the United States police the work as a whole paints a picture in which racial discrimination, corruption and violence have permeated almost every aspect of law enforcement. For the academics this work is indicative of an unfortunate decline in the standards of criminological literature emanating from the United States and represents the chaff which must inevitably contaminate the wheat when there is an abundant harvest of police-oriented research. The general public in America should not lapse into a state of complacency for the police, as portrayed in this book, are the mediators between the people, the criminal law and the remainder of the criminal justice system and the public are presumably dependent upon the academic community to initiate the research which will eventually cause the implementation of changes in the United States police structure and techniques of law enforcement.

MacNamara suggests that "police problems are many, complex and difficult; police prospects are dependent on an objective, scientific and unremitting search for solutions." *Police: Perspectives, Problems, Prospects* fails to satisfy the co-editors' valiant objectives.

Keith Taylor

CHANGING PRISONS. By J. E. HALL WILLIAMS. [London: Peter Owen Ltd. 1975. ix + 210 pp. £5.00.]

THERE is an interesting ambiguity in the title of this new book by the Reader in Criminology in the University of London. Is it to be understood in the imperative sense: how to change prisons? Or is it a description of what has been happening in our prisons over the last few years? The ambiguity is constructively sustained in the book itself—but only just. For it is mainly a most useful account of recent

developments and of the present state of the prisons—though it does also, if in a somewhat tentative way, show its critical and reformatory teeth.

Mr. Hall Williams is fair-minded to our prison system almost to a fault, often in the more descriptive parts of the book, accepting the self-justifications of the system where some might be more sceptical. It is this which, in places, gives the book its slightly ambivalent air. He seems to be saying: yes one can understand the difficulties confronted by our prisons which have led to such and such an unsatisfactory state of affairs—don't kick them, they're doing their best. And in the next breath he will agree very convincingly that such a situation is not good enough and should be changed. The prisons have always had the reputation of being able to restrain objective criticisms of their operation, and one aspect of this is said to be the way in which they use the Official Secrets Act, or try to prevent critical comment by prisoners from reaching the press—or even Members of Parliament. Senior administrators within the service are much more open-minded than this, but at the grass-roots level the system still seems fearful and secretive. Some commentators have therefore assumed that their proposals for reform will be more acceptable if presented within a general framework of approval, but this reviewer at any rate believes this view to be mistaken. Such tendencies as there are to limit criticism are aimed at actually preventing change, and to collude with them is therefore fatal for penal reform.

It would be a great pity if the reforms proposed in the book were aborted in this way. Many of them are not only humane and civilised, but also based on common-sense, a vast experience of our prison system, and of what might be expected to "work" within it.

But its main value is bound to be the detailed and up-to-date account it gives us, almost an "insider's" view, of how the system operates, and of current thinking about the future among its senior policy-makers. From this point of view the book deals with organisational questions (there is a chart of the HQ organisation of the Prison Department), staff development and training, and the current state of the prison building programme (a frequently overlooked aspect of this is the competition for land in centre city areas between housing authorities and the prisons). In his comprehensive discussion of the training and treatment of prisoners, Mr. Hall Williams gives an account of the emergence of the Radzinowicz "dispersal policy," and of the subsequent relapse into forms of semi-segregation for the more difficult men, following the prison disturbances of recent years. There is also a realistic and balanced account of both the limited role of psychiatric treatment among offenders and the even more limited opportunities for receiving it in prisons.

Mr. Hall Williams expresses a rather pessimistic view of the prospects for the recognition of prisoners' rights, especially if these are to be defined as rights which are legally enforceable in a court. He gives a list of some of those rights which do exist, and which are of course said to be enforceable through the Home Office's own machinery: applications to the governor, petitions to the Home Secretary, or an interview with the Board of Visitors. This book tends to confirm the often-expressed view that it is not easy for prisoners to use this machinery to enforce even the rights given to them by the Prison Rules.

More hopefully, work programmes are becoming more varied and imaginative, and there is continuing discussion of the need to give prisoners some share in the

decision-making process in prisons. It is bound to be a very limited share, but could play some part in reducing prison-engendered institutionalisation and dependency, by making incarceration less of a purely passive process, to be suffered, and more of a situation in which one can do something to shape one's own future.

This may give a clue also as to how group-work in prisons should develop. Instead of being rather inconsequential discussion groups, apart from the mainstream of life in the prison, discussion in them could centre around real decisions, which the prisoners who made those decisions would afterwards have to put up with. Now may be the time to take out and dust off those early experiences in "shared responsibility" within the borstal system. As Mr. Hall Williams points out, real consultation with prisoners will have to take second place to the development of proper consultative machinery for prison officers, and that is as it should be. But it should nevertheless be seen as a real priority: as a way of making it possible for prisoners to learn by experience how to live in society even while incarcerated.

Mr. Hall Williams is aware of the view of those who say that rehabilitation in prisons is impossible, and that our aim should be to abolish them, but he is surely right in arguing that this is unrealistic. We shall continue to have prisons for the foreseeable future (even if only to serve as "containers" for criminals), and we have an obligation at least to prevent them from damaging prisoners—and perhaps even to try to make them a means of rehabilitation.

One is left in the end, however, with the feeling that our prison system is still rudderless in the sense that nobody has any clear idea of what, apart from efficient containment, they ought to be doing. We have never really replaced Sir Alexander Paterson's "grand design" of the prison as a training institution by anything else, in spite of nearly half a century of experience of and thought about penal problems. The present concentration on management is an evasion of the real issue. One is bound to ask: management for what?

Howard Jones

IMAGES OF CRIME: OFFENDERS AND VICTIMS. Edited by TERENCE P. THORNBERRY AND EDWARD SAGARIN. [United States of America, Praeger Publishers Inc. and United Kingdom, Pall Mall Press. Published in co-operation with the American Society of Criminology. 1974. 148 pp. £5.50.]

CRIME PREVENTION AND SOCIAL CONTROL. Edited by RONALD AKERS AND EDWARD SAGARIN. [United States of America, Praeger Publishers Inc. and United Kingdom, Pall Mall Press. Published in co-operation with the American Society of Criminology. 1974. 165 pp. £5.95.]

BOTH these volumes are collections of some of the papers delivered at the second Inter-American Congress of Criminology held in Caracas, Venezuela, in November 1972. In common with most readers and books of selected pieces, they present the reviewer with the difficult task of overall assessment whilst taking into account the fact that some contributions are more successful than others. Because of this variation, one criterion for commenting on books of this type is the presence of a common theme making the volume exist as a whole rather than as a collection

of unrelated pieces which have somehow found their way between the same covers.

The editors of *Images of Crime: Offenders and Victims* suggest that the general purpose of the book is to improve existing images of offenders, victims and their inter-relationships. They believe images in criminology to be more blurred and incomplete than those in any other scientific discipline, and have consequently selected the papers for this volume on the basis of their originality and contribution to this theme either methodologically, theoretically, or substantively. They claim that through these papers, images of crime, offenders and victims emerge, "that are limited neither by the conventional wisdom on crime nor the systematic rejection of that wisdom. The papers begin to say something about criminals and victims—their self images, their methods of operation, their difficulties, beliefs and ordinary pursuits."

Unfortunately, this theme is not sufficiently binding to create the sort of unity which makes a book of this nature successful; the overall effect is rather fragmented, a fact exacerbated by the brevity of some of the contributions. There are papers on three types of professional property offender, one paper on tattooing, a piece on labelling theory, one on gambling and one on military crime. Three articles on the victim deal with compensation, rape and victimisation in a birth cohort, and the final three papers on public attitudes examine the views of college students, the relationship between the perceived causes of crime and preferred sanctions, and lastly drugs education. This is really a book for the reader who wants to know a little about a variety of topics.

The contributions themselves are varied; some are inconclusive and boring whilst others are good and interesting. There is an excellent article by Clifton D. Bryant, "Socialization for Khaki-collar Crime: Military Training as Criminalization Process," where he examines the "prime conditions" operating in the army for "subculturally determined deviant activity," of both a violent and economic nature. "Advertisements of Self: The Search for Identity Amongst Inmates" is a fascinating and informative paper on tattooing by Richard Moran. Unfortunately it is rather short, but he does suggest ideas for detailed research in this relatively unstudied area. Two other contributions deserving a comment are: "Making the Crime Victim Whole: Composition, Restitution, Compensation" by Donal E. J. MacNamara and John J. Sullivan, a comparative essay in the sociology of law on formal attitudes to victims; and "Status, Images and Consequences: Once a Criminal, Always a Criminal" by John P. Reed and Robin S. Reed, a methodologically interesting study of the nature and role of the social audience and attitudes toward deviance.

Crime Prevention and Social Control is a more successful volume when judged by the criterion of theme. It is divided into three sections; Crime Prevention and Deterrence; The Police; and Criminal Justice and the Courts. The editors acknowledge the potential scope encompassed in the concept of "social control" but have limited the contributions to those which "touch only on the formal control of crime and delinquency through the criminal justice system."

The first section on "Crime Prevention and Deterrence" is more interesting methodologically than substantively, and there is an outstanding contribution on "Deterrence and Knowledge of Sanctions" by Richard L. Henshel. He emphasises that images are more important than realities in deterrence and criticises most

studies on the efficiency of sanctions for not taking perceptions and beliefs about deterrence into account.

The section on "The Police" is a little disappointing, perhaps because some potentially interesting articles are too short to do justice to the subject matter, for example, Roger Baldwin's paper "Reciprocal Suspicion, Side One: The Policeman's Perception of Minorities." Two successful articles in this section are "Sexual Deviance and Law Enforcement: Dilemmas of Police Policy Regarding Victimless Crimes of Sexual Deviation" by Emilio C. Viana and "A Typology of Police Corruption" by Julian Roebuck and Thomas Barker. Viana's paper is interesting and informative, demonstrating the ways in which prohibitive laws and police practice can lead to worse abuses in victimless crimes, for example blackmailing homosexuals, and the increased powers of the pimp in prostitution because of her dependence on his provision of legal services. He makes special reference to plain clothes under-cover work which he assesses as both ethically and instrumentally questionable. In their article on police corruption, Roebuck and Barker succeed in clarifying the concept and demonstrate the relationships between different kinds of corruption and police policy at both a peer group and organisational level.

In the final section of this book, which unfortunately consists of only three papers, Edward Green's article is worthy of comment. In "The Effect of the Offence and the Offender's Social Status on Criminal Court Delay," he discusses the relationships between the status of people coming to court, the seriousness of their offence, and the delays experienced awaiting trial. He concludes that delay is more closely linked to the gravity of the offence than the social level of the defendant.

In conclusion, both these books contain interesting and informative papers, but a number of contributions are limited in value because they are too short, and some are not very good. They are volumes which should have a place on most library shelves, but at over £11 for 313 pages together, they will not become obvious additions to many private collections.

Penelope Jane Tomlinson

LAW AND SOCIETY. By A. PODGORECKI. [London: Routledge and Kegan Paul. 1974. 302 pp. £5.95.]

IN an attempt to satisfy the growing need for an adequate basic text in the field, this work presents a synthesis of empirical, socio-legal studies—primarily those of the author himself—as the "scientific" foundation of contemporary sociology of law. The author maintains that the time has come to impose order upon the chaos of abstracted empiricism, from which we are assured "a general image of law appears to emerge" (p. 4).

Professor Podgorecki argues the sterility of traditional legal theory, claiming priority for a sociology of law which "struggles with reality" (p. 8). Jurisprudence is "useful only as auxiliary and instrumental with respect to the basic concern" (p. 8). This "struggle with reality" turns out to be a fitful commitment to social engineering and the effective maintenance of law and order. "Lawful behaviour," he says, "can only result from our knowledge of human motives and of means of

influencing human conduct" (p. 29). To this end "The sociology of law aims at grasping law in its working, thus to determine the range of efficiency of short- or long-range impacts of law; it tries to find out what kinds of legal instrument are most suited for remoulding political attitudes, economic relationships or human interaction; it seeks to discover whatever negative by-products ensue from law; it exposes the myths about how law functions and points out whatever elements of truth may reside in this and inquires into their origin" (p. 7).

The parameters of the debate are thus prescribed in the early pages, and the remainder of the book ranges over an introductory discussion of methods, selected research, and the theory and practice of social engineering through law.

The sections on research methods reveal, more than anywhere else, the theoretical weakness of the book and also its almost total isolation from Western European and American sociology. The vast majority of works to which reference is made are available only in Polish or Russian and will be known only to the specialist. Many of the examples used are culled from Polish experience and must lose significance for the non-Polish reader. More alarming, however, is the level of discussion. For example, the use of official statistics is described by reference to arguments for and against the abolition of capital punishment. Through rational analysis of official statistics, we are told, we avoid dogmatism. Their "objectivity" and "reliability" are assumed without question and remain totally unproblematic. Indeed throughout these sections the author remains disarmingly uncritical of empiricist methodology.

Such limitations are not to be found in Jacek Kurczewski's chapter on ethnographic studies. In style and presentation, Podgorecki and Kurczewski are poles apart. The latter contributes a well written and documented introduction to some of the developments and debates which have taken place in the anthropology of law, serving to emphasise a main theme of the book that the formal definitions of state and law theory are limited in practical application, and drawing attention to the importance of the "intuitive" or "living law" of the everyday life of both simple and complex societies.

Both authors seek to correct what is seen as the one-sidedness of *étatist* conceptions of law, and in so doing they lean heavily upon the work of the great Polish scholar Leon Petrazycki. Indeed it is an important achievement of this book to rescue Petrazycki from possible obscurity and present an authoritative interpretation of his work for English readers. However, Petrazycki's emphasis upon an embryonic Pavlovian conditioning paradigm and a nascent social Darwinism leads Podgorecki almost inevitably to the notion of internalised consensus and a passive, adaptive concept of human nature reminiscent of Parsons and Shils. Indeed the "hypothesis of the three factor functioning law" is a crude attempt to apply thinly disguised Parsonian schema to the problem of law and order, operationally defined in terms of knowledge and opinion of law.

The sociology of law which thus "emerges" is decidedly weak; it is incapable of encompassing an adequate theory of power: power becomes effective action based upon legitimation and consensus, even though "this concept of legitimation is different from a formal and normative one . . . (it) is based on real distribution of attitudes, structured by mutual interests" (p. 277). To this we may add that by "mutual interests" Podgorecki would appear to mean "the appropriate and

effective distribution of rewards and punishments, so as to guarantee the proper selection towards the upper parts of the social ladder within the spontaneous process of social mobility. Such selection, systematically and intensively promoted by social engineering aims at advancing to higher positions those who are better trained and skilled and at placing lower in the hierarchy those who are less capable" (p. 57). Thus we are informed "in the socialist system law has become a tool of far-reaching and universal change" (p. 25).

Richard Kinsey

SEXUAL STIGMA: AN INTER-ACTIONIST ACCOUNT. By KENNETH PLUMMER. [London: Routledge and Kegan Paul. 258 pp. £5.95.]

Sexual Stigma is a splendid, subtle and complex book, worthy of study not only by sociologists of deviance and sexuality but also and especially by students of homosexuality whose discipline-base tends to be clinical rather than social. Kenneth Plummer attempts several approaches to these areas in this book and the result is to leave the reader wanting a fuller treatment of each. Plummer's fourth topic, the sociology of (mainly male) homosexuality seems to have been the starting-point of his studies, but his particular approach, emphasising the socially-based nature of all sexuality, has led him to set this in a series of contexts—the theoretical perspectives of interactionism and phenomenology and "labelling" and the substantive one of the sociology of sexuality.

In the area of theory, Plummer develops and adds to current debates about "new" deviance theory, especially in his stress that social and sexual meanings are constructed not only from the "deviant" labels of control agencies and other key figures, but also, and most importantly, by the actor himself, in this case the homosexual himself. His critique here is clear, lively and subtle and he relates his belief that "the conception of deviancy [is] inter-active, processual and subjectively problematic" well to his study of the *process* of becoming homosexual; he deftly analyses the long series of stages involved and the likely "neutralisation" of the homosexual response. But the radical criminologist would criticise him for his failure to deal with the class and power dimensions of the repression and stereotyping of homosexuals; he does often note aspects of this in passing—for example page 136 where four working-class homosexuals are described as having interests "strangely at odds with the traditional working-class culture in which they were brought up"—but these are not pursued. Yet the analysis (chap. 8) of the collective reaction to homosexuality, especially on the "structural location of homosexual subcultures" could be developed to include such considerations since Plummer has already here begun to examine the "play" emphasis of western society and the manner in which male and female homosexuality behaviour patterns mirror those of traditional roles.

Despite these criticisms, Plummer's own analysis of becoming homosexual and above all of the strategies managing interaction as a homosexual amply justifies his theoretical stance since it enables him to delineate an elaborate micro-sociological process. All that is missing here is more case-study material from Plummer's own researches; although he cites some of it, his approach calls for

an "Agnes" of the homosexual bars and the "straight" office party with its heterosexual terrors.

The thinnest section of the book is that on the sociology of sexuality, although here too Plummer provides plenty of interesting argument and detail and his usual encyclopaedic knowledge of the available literature. But, as he points out, sociologists have largely ignored the general topic of sexuality and he has a ground-clearing operation to perform in indicating some of the possible areas of interest and research—for example the range of sexual meanings both historically and within and between society. But here his focus of interest on male homosexuality leads him, for example, to dismiss "the utilitarian (meaning) of procreation" as a "privatised sexual meaning (that) is statistically unusual" (!) This is surely to miss the point that sex is, as yet, the *only* means of human procreation and that, for women at least, the "private" meaning has long been significant. Current research on teenage knowledge and perceptions in this area may underline this point.

Ken Plummer has achieved a rare success in integrating his theoretical perspectives and his empirical data so that all are enhanced. Rigorous radical critics of his interactionism might strive to copy this and eschew mandarin-prose pronouncements not well-grounded in a sound ethnography. In short Plummer's first book leaves us hoping for several sequels—for an "inside" account of homosexual subcultures, for a profounder analysis of the sociology of sexuality begun here, and also of the politics of homosexuality in our society. Meanwhile, as we await these, *Sexual Stigma* contains plenty to go on with.

Frances Heidensohn

JUST HOW JUST? By DAVID LEWIS AND PETER HUGHMAN. [London: Secker and Warburg. 1975. 189 pp. £3.90.]

THERE is ample scope for a good critical book on the criminal process in Britain, drawing together the findings of all the various research projects which have thrown some light on how individual parts of the system actually operate in practice. But writing it will not be as easy a job as David Lewis and Peter Hughman, practising journalist and solicitor respectively, doubtless imagined when they drafted their synopsis. Summarising the results of the various projects themselves in a way which explains clearly and accurately the strengths and weaknesses of the data and the resulting conclusions is difficult enough. Lewis and Hughman have not done too badly, nor too well, on this level, though there are of course sufficient errors to keep the criminological purist happy in his private expertise. They have not got a great deal of their own to offer by way of facts and figures, apart from some interesting sidelines on the physical problems of running the weekly remand system and a few nice examples of verbals from Mr. Hughman's own files. The only memorable and footnotable statistic which may get them into the literature is their estimate, based on police officers' assessments and verified on a random sample of one hundred of what were presumably their own defence files on cases tried on indictment, that "what the accused has said during the first questioning constitutes some of the most important probative evidence in 75 per cent. of their prosecutions" (p. 110). This provides a sound basis for what

is perhaps the best section of the book, that on police questioning. The authors avoid the pitfalls of the civil rights lobby and the theoretical right to remain silent, and focus their attention firmly on the practical issue of the fairness and accuracy with which the questioning is reported and the nature of the questioning itself. They duly add their support to the tape-recorder.

It is in their wider objective of mounting a coherent critical challenge to conventional wisdom on the justice of British criminal procedure that Lewis and Hughman have found most difficulty in living up to their blurb. It is patently obvious on the evidence which they have assembled that British criminal trials are not always very just. The more popular and professional books there are which help to get this basic fact across the better. But there is an important difference between assembling a list of minor tinkering which might make the system work a little more justly and producing a thorough and coherent analysis of why the system survives so happily with its present level of injustice, and what kind of changes might remove the causes of our collective complacency. Lewis and Hughman have gathered together a convincing critique of the performance of J.P.s, juries and judges alike, but have not thought very hard about the nature of the ideal system to which their tinkering is directed. There is very little about lawyers.

This is not a very good book. But it is no great compliment to the readers of this *Journal* to have to report that it is the best on offer.

Tom Hadden

PRINCE OF FENCES: THE LIFE AND CRIMES OF IKEY SOLOMONS. By J. J. TOBIAS.
[London: Vallentine, Mitchell. 1974. 178 pp. £3.25.]

By all accounts Isaac (Ikey) Solomons, son of a Bavarian Jewish dealer who settled in London's East End, was an expert professional fence. Arrested for the first time in 1810 for picking pockets, he disembarked from the prison hulks in 1816 for a decade of successful receiving, his effective position as "one of London's leading fences" terminating in a police search of his house in 1826 and committal to Newgate for trial at the Old Bailey in 1827. Although he escaped from custody ten days later and enjoyed several months of freedom, his wife Ann was taken in charge for receiving when the authorities uncovered "an immense quantity of jewellery, consisting of gold and silver watches, trinkets of great value, gold rings, etc., together with other property, such as lace, silks and crapes." After the first of these official visits to the Solomons' home two coach-loads of stolen articles were removed, the final haul being displayed for identification, transforming Hatton Garden police office into what one observer described as "a complete Bazaar". Within the first hour "twenty respectable tradesmen" called round to see if they could trace any missing items.

Apart from his more obvious criminal activities Solomons appears to have been a remarkable man. Evading capture, he followed his wife to Van Diemen's Land, where she had been transported on a 14-year sentence, and as far as the peculiar conditions prevailing in the convict settlements would permit, attempted to pick up the threads of his disrupted domestic life. When the attention of the Home Office was drawn to his voluntary presence he was returned

to Newgate in 1830 to be sentenced to transportation back to Van Diemen's Land where he died in 1850.

This readable account of Solomons' life, then, adds a little more detail to our picture of early nineteenth century urban criminality. Yet in spite of the author's painstaking exploration of contemporary official records, Press reports, and the effusions of hack pamphleteers anxious to dramatise Solomons' biography for the London market, our hero remains a shadowy figure. As one would expect, the bench-marks of his career are the exclusive product of encounters with the law. It is a reflection on our criminological legacy that the book tells us more about the identifiable characteristics of the English penal system, its corruption and the sporadic cruelties to which convicted offenders and those awaiting trial were exposed prior to the onset of Victorian regimentation, than it does about the contribution of the fence to the organisation of economic crime. Any discussion of Solomons' place in the property market—the factor which must have contributed most to his success—is incidental to the detailed description of his trials and tribulations, spiced with speculation about his character and skill.

Theft, as we know, is not an independent act on the part of an isolated deviant—the thief—but an integrated feature of prevailing property relations within which the receiver, be he ever so humble, plays a strategic role in the transference of ownership. By virtue of their position on the fringe of visible “underworld” activities receivers and their clients, without whose oblique participation theft is deprived of its purpose, tend to be protected from the attentions of the authorities just as until recently they have been screened from the investigations of criminologists. The special contribution of the “tale” of Ikey Solomons to our appreciation of the ways in which the removal and redistribution of goods and cash may be organised, his mediation between illegitimate acts and legitimate markets, potentially offers further insight into a transitional period of socio-economic history, but we must still turn to the imaginative writers of the nineteenth century—in particular Dickens whose Fagin may have been modelled on Ikey Solomons—for a fuller appreciation of the everyday world of crime.

Mike Hepworth

POLICE WARNINGS. By M. RITCHIE AND J. A. MACK. [Glasgow: University of Glasgow. 1974. ii+65pp. £1.]

In April 1971 the juvenile courts were abolished in Scotland and were replaced by welfare tribunals called children's hearings. This book discusses the impact of this on police work. Some change in the traditional police role in handling child offenders was clearly envisaged. The Kilbrandon Committee, for example, described the police as “one of the primary sources of the identification of children in need of special educative measures as well as being part of the sifting or assessment agency.” Ritchie and Mack show that this change has not happened. Their major findings is that a 1945 practice direction on the operation of police warnings—a direction which restricted police warnings to first offenders who were also petty offenders—is still being strictly applied in some areas with respect to both police warnings and police juvenile liaison schemes. The attitudinal and

philosophical changes implied in the new legislation have had no influence on police policy or practice. The number of police warnings has increased but there is no change in the type of child warned; the increase is made up of additional cases which conform to the 1945 recommendations. Rather than acting as a "sifting agency", therefore, the police have cast the net of official control wider. And, arguably, in many such cases official processing is unnecessary—reporters decide on average that more than half the cases referred to them by the police require no compulsory measures of care.

There has been considerable criticism of the reporters' "no action" decisions (primarily by the police) and Ritchie and Mack suggest that a solution may lie in the increased use of police warnings and liaison schemes. But there is no reason to suppose that this would do anything other than cast the net yet further afield. Ritchie and Mack do mention two problems in the development of a more positive role for the police—manpower shortage and the feelings of others within the new system. But they under-estimate their strength. Firstly, in any crisis of resources, juvenile bureaux, community involvement branches and so on will surely be the first to go—they are essentially not "real" police work. Secondly, such key individuals as reporters and social workers feel that the police do not have appropriate training for discretionary judgments beyond the nature and seriousness of the offence. To encourage police to make such decisions would create conflict and lack of confidence amongst those operating the system. These seem to me to be strong arguments against further developments in police social work.

The survey is based on discussions in six police areas chosen because of the variety of practice and policy already known to exist. The areas are said not to be a representative sample. But their findings have implications for police work with juveniles in Scotland and England.

Allison Morris

FREEDOM FOR SALE: A NATIONAL STUDY OF PRE-TRIAL RELEASE. By PAUL B. WICE.
[Lexington Books. D. C. Heath Ltd. 1974. 212 pp. £6·80.]

FOR a long time the English system of criminal justice developed in isolation; English lawyers and administrators were not interested in the experience of common law jurisdictions overseas, not to mention that of Scotland, disregarded as tainted with civilian ideas. We have now passed to a sort of intermediate treatment stage. Some awareness of foreign developments is now respectable; thanks to television every schoolboy knows about procurators fiscal. But this concession towards the comparative method is a limited one. Awareness is limited—to the United States, very often, to the exclusion of Canada, or Australia, or Nigeria. And it is too often out of date: we know about *Miranda*, but not of the later developments which cut it down.

This is well illustrated by the topic of bail reform. There is considerable interest in the literature and in official reports in the Manhattan Bail Project and the work of the VERA Institute. So often this is presented as "the American position", overlooking the fact that different states, and even different counties and different judges, operate bail in very different ways. Professor Wice's book is a useful

corrective, surveying the position in 1970-71 and concentrating on 11 United States cities outside New York.

It is readable, but (or, perhaps, because) it is statistically unsophisticated: we seldom go beyond the "above/below the national average" level of analysis. The published book is also very obviously based on an earlier research report. The text refers to doubts raised in the case of *Schillb v. Kuebel* as to the constitutionality of the 10 per cent. Bail Deposit scheme; the doubts were set at rest on December 20, 1971 (see 404 U.S. 357, 92 S.Ct. 479), a fact which goes unnoticed in a book published almost three years later.

What emerges is the astonishing variety of practice in United States jurisdictions. In St. Louis, the political power of bail bondsmen, backed by conservative newspaper proprietors, blocked reform; in some areas, bail is effectively set by judges, but elsewhere by the prosecution authorities (*e.g.* the Philadelphia District Attorney's Office) or even by one particular detective sergeant who appeared to control the operation of bail in Detroit. Wice examines skilfully and sensitively the role and influence of the non-judicial actors on the bail scene, and his data suggest that the claims of the bondsmen to be an aid to the courts, by reducing the rate of non-appearance and of further arrests, are unfounded. In a system with chronic delays in the criminal process, an efficient system for reminding defendants of their hearing date is of greater importance than the bail machinery.

Wice paints a grisly portrait of pre-trial detention facilities for those who fail to obtain bail. Overcrowded prisons are familiar enough, but when overcrowding takes place within prisons built on other than the cell pattern its consequences are dramatic. If 40 men are locked in a room, perhaps with fewer bunks than prisoners, and face inadequate food (*e.g.* milk diluted 2:1, two parts water to one part milk) and denied any sort of educational facilities, it is little wonder that violence breaks out.

Perhaps of greatest interest to the British observer are Wice's conclusions as to the success of the bail reform movement. He argues, as others have before him, that release-on-own-recognition schemes, by using middle-class criteria, such as a stable family, residential and economic life-style, fail to help the indigent, transient, and the young. If some of his horror-stories "could never happen here," this argument may well be true of the present English approach to bail and even more so of the proposed reformed system advocated by the Home Office working party.

David McClean

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